

03/15/2024

David W. Slayton, Executive Officer / Clerk of Court

By: R. Aspiras Deputy

1 Joseph Lavi, Esq. (SBN 209776)
2 Vincent C. Granberry, Esq. (SBN 276483)
3 Antonia McKee, Esq. (SBN 344511)
4 Eve Howe, Esq. (SBN 350007)
5 **LAVI & EBRAHIMIAN, LLP**
6 8889 W. Olympic Boulevard, Suite 200
7 Beverly Hills, California 90211
8 Telephone: (310) 432-0000
9 Facsimile: (310) 432-0001
10 Emails: jlavi@lelawfirm.com
11 vgranberry@lelawfirm.com
12 abliznets@lelawfirm.com
13 ehowe@lelawfirm.com
14 WHTS@lelawfirm.com

15 Attorneys for Plaintiff MARIO D. VAZQUEZ,
16 on behalf of himself and others similarly situated

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

19 MARIO D. VASQUEZ, on behalf of himself
20 and others similarly situated,

21 Plaintiff,

22 vs.

23 SAGEBROOK HOME, LLC; and DOES 1 to
24 100, inclusive,

25 Defendants.

Case No. 22STCV28176

CLASS ACTION

*[ASSIGNED FOR ALL PURPOSES TO THE
HONORABLE MAREN NELSON, DEPT. 17]*

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Hearing Information:

Date: March 11, 2024

Time: 10:00 a.m.

Dept.: 10

Action Filed: August 30, 2022

26 ///

27 ///

28 ///

1 The Motion for Preliminary Approval of Settlement came before this Court in Department
2 10 of the Los Angeles County Superior Court located at 312 N. Spring Street, Los Angeles,
3 California 90012, the Honorable William F. Highberger presiding. The Court, having considered
4 the Class Action and PAGA Settlement Agreement (“Settlement” or “Settlement Agreement”) and
5 Class and PAGA Settlement Notice (“Class Notice”) entered into by and between Plaintiff MARIO
6 D. VASQUEZ (“Plaintiff”) and Defendant SAGEBROOK HOME, LLC (“Defendant” or
7 “Sagebrook”), attached as Exhibit 4 to the Declaration of Eve Howe in Support of Plaintiff’s
8 Supplemental Briefing in Support of the Motion for Preliminary Approval of Settlement, and the
9 other Exhibits attached thereto; having considered the Motion for Preliminary Approval of
10 Settlement and Supplemental Briefing filed by the Parties; having considered the respective points
11 and authorities and declarations submitted by the Parties in support thereof; and good cause
12 appearing, HEREBY ORDERS THE FOLLOWING:

13 The Court grants preliminary approval of the settlement as set forth in the Settlement and
14 finds the terms to be within the range of reasonableness of a settlement that ultimately could be
15 granted approval by the Court at the Final Approval Hearing. For purposes of the Settlement, the
16 Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-
17 defined community of interest among the Class in questions of law and fact. Therefore, for
18 settlement purposes only, the Court grants conditional certification of the following “Class” defined
19 as follows:

20 all persons employed by Sagebrook in California and classified as hourly non-exempt
21 employees who worked for Sagebrook during the Class Period.

22 1. The “Class Period” means the period from August 30, 2018, to January 14, 2023,
23 subject to a reduction of Workweeks from the beginning of the Class Period if Workweeks exceed
24 14,261 plus a 2% buffer.

25 2. For purposes of the settlement, the Court designates named Plaintiff Mario D.
26 Vasquez as Class Representative and Joseph Lavi, Esq., Vincent C. Granberry, Esq., Antonia
27 McKee, Esq., and Eve Howe, Esq., of Lavi & Ebrahimian, LLP as Class Counsel.

28 3. The Court appoints Phoenix to serve as the Administrator.

1 4. The Final Approval Hearing on the question of whether the proposed settlement
2 should be finally approved as fair, reasonable, and adequate as to the Class Members is scheduled
3 in Department 17 of this Court, located at 312 N. Spring Street, Los Angeles, California 90012, on
4 July 9, 2024, at 9:00 a.m.

5 5. At the Final Approval Hearing, the Court will consider: (a) whether the settlement
6 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
7 approval of the settlement should be entered; and (c) whether Plaintiff's Motion for Class Counsel
8 Fees Payment, Class Litigation Expenses Payment, and Class Representative Service Payments
9 should be granted.

10 6. Not later than 16 court days before the calendared Final Approval Hearing, Plaintiff
11 shall file a motion for final approval of the Settlement that includes a request for approval of the
12 PAGA settlement under Labor Code section 2699, subd. (l), a Proposed Final Approval Order and
13 a proposed Judgment (collectively "Motion for Final Approval").

14 7. Plaintiff and/or Class Counsel shall file a Motion for Class Counsel Fees Payment
15 and Class Litigation Expenses Payment no later than 16 court days prior to the Final Approval
16 Hearing.

17 8. As part of the Motion for Class Counsel Fees Payment and Class Litigation Expenses
18 Payment, Plaintiff shall seek Court approval for any Class Representative Service Payments no later
19 than 16 court days prior to the Final Approval Hearing.

20 9. The Court approves, as to form and content, the Class Notice which is attached as
21 Exhibit 6 to the Declaration of Eve Howe in Support of Plaintiff's Supplemental Briefing in Support
22 of the Motion for Preliminary Approval of Class Action Settlement.

23 10. Not later than 15 days after the Court grants Preliminary Approval of the Settlement,
24 Sagebrook shall simultaneously deliver the Class Data to the Administrator, in the form of a
25 Microsoft Excel spreadsheet.

26 11. Using best efforts to perform as soon as possible, and in no event later than 14 days
27 after receiving the Class Data, the Administrator shall send to all Class Members identified in the
28 Class Data, via first-class United States Postal Service ("USPS") mail, the Class Notice with Spanish

1 translation.

2 12. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
3 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not later
4 than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for Class
5 Members whose Class Notice is re-mailed).

6 13. The Court finds that the forms of Class Notice to the Class regarding the pendency
7 of the Action and of this Settlement, and the methods of giving notice to members of the Class
8 constitute the best notice practicable under the circumstances and constitute valid, due, and
9 sufficient notice to all Class Members. They comply fully with the requirements of California Code
10 of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766
11 and 3.769, the California and United States Constitutions, and other applicable law.

12 14. The Court further approves the procedures for Class Members to participate in, opt
13 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

14 15. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
15 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not later
16 than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for Class
17 Members whose Class Notice is re-mailed). A Request for Exclusion is a letter from a Class Member
18 or his/her representative that reasonably communicates the Class Member's election to be excluded
19 from the Settlement and includes the Class Member's name, address and email address or telephone
20 number. To be valid, a Request for Exclusion must be timely faxed, emailed, or postmarked by the
21 Response Deadline.

22 16. Participating Class Members may send written objections to the Administrator, by
23 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire an
24 attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A
25 Participating Class Member who elects to send a written objection to the Administrator must do so
26 not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional 14
27 days for Class Members whose Class Notice was re-mailed).

28 17. Pending the Final Approval Hearing, all proceedings in this action, other than

proceedings necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this Order, are stayed.

18. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

19. The Court orders the following schedule for further proceedings:

Event	Timing
Class Data: Last day for Sagebrook to deliver the Class Data to the Administrator	15 days after the Court's entry of this Order
Notice Date: Last day for Administrator to mail Class Notice to Class Members	14 days after receiving the Class Data
Response Deadline: (i) Last day for Class Members to submit Requests for Exclusion; (ii) Last day for Class Members to submit Objections	60 days after the Administrator mails the Class Notice (plus an additional 14 days for Class Members whose Class Notice is re-mailed)
Last day to file Motion for Final Approval	16 court days before the Final Approval Hearing
Last day to file Motion for Class Counsel Fees Payment, Class Litigation Expenses Payment, and Class Representative Service Payments	16 court days before the Final Approval Hearing
Final Approval Hearing and Hearing on Motion for Class Counsel Fees Payment, Class Litigation Expenses Payment, and Class Representative Service Payments:	July 9, 2024, at 9:00 a.m. in Dept. 17 of the Los Angeles County Superior Court, located at 312 N. Spring Street, Los Angeles, California 90012

20. The Final Approval Hearing and related prior deadlines set forth above may, from time to time and without further notice to the Class (except those who have filed timely and valid objections), be continued or adjourned by Order of the Court.

IT IS SO ORDERED.

Dated: 03/15/2024


HONORABLE WILLIAM F. HIGHBERGER
JUDGE OF THE SUPERIOR COURT