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Attorneys for Plaintiff Veronica Cusimano

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

VERONICA CUSIMANO, on behalf of
herself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*,

Plaintiff,

v.

BRILLIANT EARTH, LLC, a Delaware
limited liability company, and DOES 1
through 10, inclusive,

Defendants.

Case No: 22SMCV02621

*Assigned to the Hon. Edward B. Moreton, Jr.,
Dept. 205*

**[PROPOSED] ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Date: July 28, 2026

Time: 8:30 a.m.

Dept: 205

Complaint Filed: December 8, 2022

FAC Filed: December 8, 2025

Trial Date: TBD

Reservation ID: 635264219399

1 Plaintiff Veronica Cusimano (“Class Representative” or “Plaintiff”) and Brilliant Earth,
2 LLC (“Defendant”) entered into a “Joint Stipulation of Class and PAGA Action Settlement and
3 Release of Claims” (the “Stipulation”) which, if approved, would resolve this putative class action
4 and Private Attorneys General Act of 2004, Labor Code §§ 2698, *et seq.* (“PAGA”) action. Upon
5 review and consideration of the motion papers submitted by the parties, including the Stipulation
6 and all exhibits thereto, the Court determines and orders as follows:

7 1. The Court has jurisdiction over this matter and venue is proper.

8 2. This action is provisionally certified as a class action, for settlement purposes
9 only, pursuant to California Code of Civil Procedure Section 382 and California Rule of Court
10 rule 3.763. The Class is defined as follows: “All current and former non-exempt employees who
11 worked for Defendant in California at any time or times during the Class Period.” The “Class
12 Period” refers to the period from and including March 13, 2021, through November 13, 2025.

13 3. The Court finds that the term “Aggrieved Employees” to mean “All current and
14 former non-exempt employees who worked for Defendant in California at any time or times during
15 the PAGA Period.” The “PAGA Period” refers to the period from and including August 29, 2021,
16 through November 13, 2025.

17 4. The Court preliminarily approves the proposed settlement as set forth in the
18 Stipulation as within the range of possible final approval.

19 5. The Court preliminarily appoints as Class Counsel, for purposes of this settlement
20 only, Eric A. Grover and Robert W. Spencer of Keller Grover LLP.

21 6. The Court preliminarily appoints Veronica Cusimano as Class Representative for
22 the Class, for purposes of this settlement only.

23 7. The Court preliminarily finds, for purposes of this settlement only, that the Class
24 Representative and Class Counsel fairly and adequately represent and protect the interests of the
25 absent Class Members.

26 8. The Court approves and appoints Phoenix Settlement Administrators to serve as the
27 Settlement Administrator and directs Phoenix Settlement Administrators to carry out all duties and
28 responsibilities of the Settlement Administrator specified in the Stipulation.

9. Pursuant to California Rules of Court rule 3.769, the Court approves the manner of class notice set forth in the Stipulation. The Court approves the form and content of the notice form proposed by counsel, specifically the Notice of Class and PAGA Action Settlement (“Notice”), which is attached to the Stipulation as **Exhibit 1**. The Court finds that the Notice constitutes the best notice practicable under the circumstances and is valid, due and sufficient notice to the Class of the pendency of the action, preliminary certification of the Class, the terms of the settlement, procedures to become a Settlement Class Member (as defined in the Stipulation), procedures for objecting to the settlement, procedures to opt out of the settlement, and the time and place of the Final Approval Hearing. The proposed manner of class notice satisfies the requirements of due process, and complies with applicable law, including California Code of Civil Procedure Section 382 and California Rules of Court rule 3.769.

10. No later than 30 calendar days after this Order is entered by the Court, according to the terms set forth in the Stipulation, Defendant shall provide the Settlement Administrator with all of the following information about each Class member in Microsoft Excel spreadsheet format (the “Class Data”): (i) each Class Member’s full name; (ii) each Class Member’s last-known address; (iii) each Class Member’s Social Security Number; and (iv) the number of weeks worked by each Class Member during the Class Period.

11. No later than 30 calendar days after this Order is entered by the Court, according to the terms set forth in the Stipulation, Defendant shall provide the Settlement Administrator with all of the following information about each Class member in Microsoft Excel spreadsheet format (the “Aggrieved Employee Data”): (i) each Aggrieved Employee full name; (ii) each Aggrieved Employee’s last-known address; (iii) each Aggrieved Employee’s Social Security Number; and (iv) the number of pay periods worked by each Aggrieved Employee during the PAGA Period.

12. No later than 14 calendar days after receiving the Class Data and Aggrieved Employees Data from Defendant, the Settlement Administrator shall send Class Members and Aggrieved Employees the Court-approved Notice by first-class mail to their last known addresses. The Settlement Administrator will perform address updates and verifications as necessary prior to the first mailing.

13. If any Notice is returned as undeliverable, the Settlement Administrator shall perform skip-traces on returned mail and will re-mail the Notices to updated addresses (if any) as soon as possible upon return of the undeliverable Notices.

14. Class Members who wish to receive a settlement payment are not required to submit a claim form.

15. Class Members will have the opportunity, should they disagree with the number of Qualified Workweeks stated on their Notice to provide documentation and/or an explanation to show a different number of weeks having been worked during the Class Period. If there is a dispute, the Settlement Administrator will consult with the Parties to determine whether an adjustment is warranted. The Settlement Administrator shall determine the eligibility for, and the amounts of, any Individual Settlement Payments. The Settlement Administrator's determination of the eligibility for and amount of any Individual Settlement Payment shall be binding upon the Settlement Class Member and the Parties.

16. Any Class Member who seeks exclusion from the Class must send a signed, written request to be excluded from the settlement ("Request for Exclusion") via mail that must be postmarked no later than 60 calendar days after the date the Notice is first mailed by the Settlement Administrator (the "Response Deadline"), as described in section III.L.7 of the Stipulation. The postmark date on the Request for Exclusion envelope shall be the exclusive means used to determine whether the Request for Exclusion was timely submitted. The Request for Exclusion (1) must contain the name, address, and the employee identification number or last four digits of the Social Security Number of the person requesting exclusion; (2) must be signed by the Class Member; (3) must be postmarked by the Response Deadline and returned to the Settlement Administrator at the specified address; and (4) must contain a typewritten or handwritten notice stating, in substance, as follows: "I wish to opt out of the Settlement of the class action lawsuit entitled *Veronica Cusimano v. Brilliant Earth, LLC*."

17. Any Class Member who seeks to object to the settlement must send a written statement of objection ("Notice of Objection"), which must be postmarked no later than 60 calendar days after the date the Settlement Administrator first mails the Notice of Class Action Settlement

to Class Members (the Response Deadline), as described in the Stipulation section III.L.8. In order for an objection to be complete, the Notice of Objection must be signed by the Class Member and state (1) the case name and number; (2) the name of the Class Member; (3) the address of the Class Member; (4) the employee identification number or last four digits of the Class Member's Social Security Number; (5) the basis for the objection and any supporting documents; and (6) whether or not the Class Member intends to appear at the final approval hearing. Class Members who fail to make objections in the manner specified above may be deemed to have waived any objections and to be foreclosed from making any objections to the settlement, whether by appeal or otherwise. The failure to submit a written objection does not waive a Settlement Class Member's right to appear and orally object at the final approval hearing.

18. Plaintiff shall file the motion for final approval of the proposed class action and PAGA settlement and motion applying for awards of attorneys' fees and costs, the Class Representative Incentive Award/General Release Payment and settlement administration costs no later than 16 court days prior to the date of the Final Approval Hearing.

19. The Final Approval Hearing shall be held on _____, 2026 at _____.m. in Department 205 of the above-entitled court, located at 9355 Burton Way, Beverly Hills, California 90210, at which the Court will determine whether the settlement should be finally approved as a fair, reasonable, and adequate to the Class Members; whether the Final Approval Order and Judgment should be entered; whether the PAGA settlement should be approved; whether Class Counsel's application for attorneys' fees and expenses should be approved; whether any request for Class Representative service award and general release payment should be approved; and whether the request for the payment of administration costs should be approved.

20. The Court reserves the right to modify the date of the Final Approval Hearing and related deadlines set forth herein. The Final Approval Hearing may be postponed, adjourned or continued by Order of the Court without further notice to the Class.

21. Pending the final determination of whether the settlement should be approved, all proceedings in the action, except as necessary to implement the settlement or comply with the terms of the Stipulation or this Order, are hereby stayed.

1 22. Should, for whatever reason, the settlement not become final, the fact that the Parties
2 were willing to stipulate to certification of the Class as part of the settlement shall have no bearing
3 on, nor be admissible in connection with, the issue of whether a class should be certified in a non-
4 settlement context.

5 23. In the event the settlement is not finally approved or is terminated, canceled or fails
6 to become effective for any reason, the Parties will be returned to their former positions, and
7 specifically the provisional certification will be of no effect.

8
9 **IT IS SO ORDERED.**

10
11 Dated: _____

_____ **HONORABLE EDWARD B. MORETON, JR.**

PROOF OF SERVICE

I, JOEY GONZALEZ, am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1965 Market Street, San Francisco, California 94103. On **June 4, 2026**, in the case of *Cusimano, Brilliant Earth, LLC* Los Angeles Superior Court Case Number 22SMCV02621, I served the foregoing document(s):

[PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT

on the interested party(ies) below, using the following means:

James Smith, Esq. *Attorneys for Defendant*
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☒	(BY ELECTRONIC SERVICE) by electronically mailing a true and correct copy in PDF format through our electronic mail system to the email address(es) set forth above, or as stated on the attached service list per agreement between the parties.
☒	(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


JOEY GONZALEZ