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18 CARLOS SIMON, and all others similarly situated

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20
21 **FOR THE COUNTY OF SAN MATEO**
22 **(UNLIMITED JURISDICTION)**

23 CARLOS SIMON, on behalf of himself, and
24 all others similarly situated, and as an
25 “aggrieved employee” on behalf of other
26 “aggrieved employees” under the Labor Code
27 Private Attorneys General Act of 2004,

28 *Plaintiff(s),*

vs.

AIRPORT VAN RENTAL, INC., a California
corporation; YAZDAN IRANI, a natural
person; and DOES 1 through 50, inclusive,

Defendant(s).

Case No.: CIV536624

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Action filed: December 2, 2015
Hearing Date: December 27, 2017
Hearing Time: 1:30 p.m.
Hearing Dept.: 2, Hon. Marie S. Weiner

1 Plaintiff Carlos Simon's ("Simon" or "Plaintiff") unopposed Motion for Preliminary
2 Approval of a Class Action Settlement was scheduled for hearing before the Court on December
3 27, 2017 at 1:30 p.m., before the Honorable Marie S. Weiner, Judge presiding. On
4 _____, the Court issued a tentative ruling, which the Parties did not contest.
5 The Court having considered the papers submitted in support of the motion, HEREBY
6 ORDERS THE FOLLOWING:

7 1. The Court grants preliminary approval of the Settlement and the Class based
8 upon the terms set forth in the Stipulation of Class Action Settlement and Release (the
9 Settlement) filed herewith. All capitalized terms used herein shall have the same meaning as
10 defined in the Settlement. The Court finds that the terms of the Settlement are fair, adequate,
11 and reasonable to the Class. The Settlement falls within the range of reasonableness and appears
12 to be presumptively valid, subject only to any objections that may be raised at the final hearing
13 and final approval by this Court.

14 2. For purposes of this Order, the Class is defined as follows:

15 All persons Defendants employed in California as hourly employees,
16 including rental agents, and in other comparable positions at any time
17 during the time period beginning on December 15, 2011, and ending on
18 August 10, 2016.

19 The Class is preliminarily certified for settlement purposes only.

20 3. The Court hereby preliminarily finds that the Settlement was the product of
21 serious, informed, non-collusive negotiations conducted at arm's length by the Parties. In
22 making this preliminary finding, the Court considered the nature of the claims set forth in the
23 pleadings, the amounts and kinds of benefits which shall be paid pursuant to the Settlement, the
24 allocation of Settlement proceeds to the Class, and the fact that the Settlement represents a
25 compromise of the Parties' respective positions. The Court further preliminarily finds that the
26 terms of the Settlement have no obvious deficiencies and do not improperly grant preferential
27 treatment to any individual Class member. Accordingly, the Court preliminarily finds that the
28 Settlement was entered into in good faith.

1 4. The Court finds that the dates set forth in the Settlement Agreement for mailing
2 and distribution of the Notice and Claim Form meet the requirements of due process and
3 provide the best notice practicable under the circumstances, and constitute due and sufficient
4 notice to all persons entitled thereto, and directs the mailing of the Notice Packet by first class
5 mail to the Class as set forth in the Settlement. Accordingly, the Court orders the following
6 implementation schedule for further proceedings:

7 a. Within fourteen (14) calendar days following the date of this Preliminary
8 Approval Order, Defendant shall provide the Phoenix Class Action Administrative Solutions,
9 the appointed Claims Administrator, the Class List consisting of the names, most recent known
10 mailing addresses, telephone numbers, social security numbers, dates of employment, the total
11 number of Class Members, and the total number of Qualifying Workshifts for all Class
12 Members during the Class Period;

13 b. Within ten (10) calendar days following the Claims Administrator
14 receives the Class List, the Claims Administrator shall mail the Notice and Claim Form
15 (collectively, the Notice Packet) along with a pre-printed postage paid return envelope, to all
16 Class members pursuant to the terms of the Settlement, by First Class U.S. Mail, postage
17 prepaid using the most current mailing address information available. The Notice Packet shall
18 be in English and Spanish.

19 c. Within forty-five (45) calendar days following the mailing of the Notice
20 Packet, all Claim Forms must be returned to the Claims Administrator postmarked by U.S. Mail
21 as set forth in the Settlement.

22 d. Within forty-five (45) calendar days following the mailing of the Notice
23 Packet, all requests to be excluded from the Settlement must be returned to the Claims
24 Administrator postmarked by U.S. Mail, as set forth in the Settlement.

25 e. Within thirty (30) calendar days following the initial mailing of the
26 Notice Packet, the Settlement Administrator shall mail to each Class Member who has not
27 returned a Claim Form or requested exclusion from the Settlement a reminder postcard in
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English and Spanish reminding them of the deadline to file a Claim Form or request exclusion from the Settlement.

f. The Court will consider any written or oral objections or comments from Class Members at the time of the Final Approval Hearing, as set forth in the Notice. Written objections to the proposed settlement should state the basis for the objection and be mailed together with copies of all papers and briefs in support thereof to the Claims Administrator within forty-five (45) calendar days following the mailing of the Notice.

5. The Court approves, as to form and content, the Notice (in substantially the form attached as Exhibit to the Settlement), and the Claim Form (in substantially the form attached as Exhibit 1 to the Settlement). The Court also approves the procedure for members of the Class to object to the Settlement set forth in the Notice.

6. The Court approves, for settlement purposes only, David Spivak of The Spivak Law Firm and Walter Haines of the United Employees Law Group as Class Counsel.

7. The Court approves, for settlement purposes only, Carlos Simon as the Class Representative.

8. The Court approves Phoenix Class Action Administrative Solutions as the Claims Administrator.

9. A Final Approval Hearing shall be held at _____.m. on _____, 2018 in Department 2 of the Superior Court for the State of California, County of San Mateo, located at Courtroom 2E, 400 County Center, Redwood City, California 94063, to consider the fairness, adequacy and reasonableness of the proposed Settlement preliminarily approved by this Order, and to consider the application of Class Counsel for an award of reasonable attorneys' fees and costs incurred and the Enhancement Award. All briefs and materials in support of the Motion for an Order of Final Approval and Judgment and Application for Attorneys' Fees and Costs shall be filed with this Court on or before _____, 2018.

10. If for any reason the Court does not execute and file an Order of Final Approval

1 and Judgment, or if the Effective Date, as defined in the Settlement, does not occur for any
2 reason, the proposed Settlement that is the subject of this Order, and all evidence and
3 proceedings had in connection therewith, shall be without prejudice to the status quo ante rights
4 of the Parties to the litigation, as more specifically set forth in the Settlement.

5 11. Pending further Order of this Court, all proceedings in this matter except those
6 contemplated herein and in the Settlement are hereby stayed.

7 12. The Court expressly reserves the right to adjourn or continue the Final Approval
8 Hearing from time to time without further notice to members of the Class.

9 **IT IS SO ORDERED.**

10
11 Date: _____

12 _____
13 Honorable Marie S. Wiener
14 Judge of the San Mateo Superior Court
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1 PROOF OF SERVICE

2 State of California,
3 County of Los Angeles

4 1. I am a citizen of the United States and am employed in the County
5 of Los Angeles, State of California. I am over the age of 18 years, and not a
6 party to the within action. My business address is 16530 Ventura Blvd., Suite
7 312, Encino, California 91436.

8 2. I am familiar with the practice of The Spivak Law Firm, for
9 collection and processing of correspondence for mailing with the United
10 States Postal Service. It is the practice that correspondence is deposited
11 with the United States Postal Service the same day it is submitted for
12 mailing.

13 On Monday, December 04, 2017, I served the foregoing document described
14 as **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**
15 on interested parties by placing a true and correct copy thereof enclosed in a
16 sealed envelope, with postage fully prepaid, addressed as follows:

17 Joel Perry Glaser, Esq.
18 Gillian Mellon, Esq.
19 JOEL GLASER APC
20 11300 W. Olympic Blvd., Suite 910
21 Los Angeles, CA 90064
22 joel@glaserlaw.org
23 gillian@glaserlaw.org

24 XXXX (BY OVERNIGHT DELIVERY) I enclosed the documents in an envelope or
25 package provided by an overnight delivery carrier and addressed to the
26 persons at the addresses above. I placed the envelope or package for
27 collection and overnight delivery at an office or a regularly utilized drop
28 box of the overnight delivery carrier.

29 Hon. Marie Weiner, Department 2
30 San Mateo Superior Court
31 Courtroom 2E
32 400 County Center
33 Redwood City, CA 94063
34 complexcivil@sanmateocourt.org

35 XXXX (BY EMAIL) Based on a court order, I caused the documents to be sent to
36 the persons at the electronic service addresses listed above from my
37 electronic service address breck@spivaklaw.com or boyama@spivaklaw.com.

38 EXECUTED on Monday, December 04, 2017, at Encino, California.

39 XXXX (State) I declare under penalty of perjury under the laws of the State
40 of California that the above is true and correct.

41 
42 BRECK OYAMA