

1 JUSTIN F. MARQUEZ (SBN 262417)
justin@wilshirelawfirm.com
2 CHRISTINA M. LE (SBN 237697)
cle@wilshirelawfirm.com
3 WILSHIRE LAW FIRM
3055 Wilshire Blvd., 12th Floor
4 Los Angeles, California 90010
Tel: (213) 381-9988, Fax: (213) 381-9989

5 Attorneys for Plaintiff
6 CARL DAVIS, individually, and on behalf of all
others similarly situated

7 JACKSON LEWIS P.C.
8 CARY G. PALMER (SBN 186601)
cary.palmer@jacksonlewis.com
9 ERIKA M. BARBARA (SBN 215702)
erika.barbara@jacksonlewis.com
10 400 Capitol Mall, Suite 1600
Sacramento, CA 95814
11 Tel: (916) 341-0404, Fax: (916) 341-0141

12 Attorneys for Defendant
13 HOMETOWN AMERICA MANAGEMENT, L.P.

14 SUPERIOR COURT OF CALIFORNIA
15 COUNTY OF SACRAMENTO
16

17 CARL DAVIS, individually, and on behalf of
all others similarly situated,

18 *Plaintiff,*

19 v.
20

21 HOMETOWN AMERICA MANAGEMENT,
L.P., a Delaware corporation; and DOES 1
through 10, inclusive,

22 *Defendants.*
23
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Case No. 34-2022-00327467

ASSIGNED FOR ALL PURPOSES TO:
JUDGE LAURI A. DAMRELL
DEPARTMENT 22

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

Date: February 16, 2024
Time: 9:00 a.m.
Dept: 22
Reservation No.: A-327467-001

Complaint Filed: 9/29/2022
Trial Date: Not Set

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27 Plaintiff Carl Davis's Motion for Preliminary Approval of Class Action and PAGA
28 Settlement ("Motion") came before this Court on February 16, 2024, in Department 28 before the

1 Honorable Lauri A. Damrell, presiding. The Court having considered the papers submitted in
2 support of the Motion and good cause appearing therefor,

3 IT IS HEREBY ORDERED:

4 1. The Court grants preliminary approval of the Settlement and the Settlement Class
5 based upon the terms set forth in the Joint Stipulation of Class Action and PAGA Settlement and
6 Release Between Plaintiff and Defendant (“Stipulation of Settlement”) filed with the Motion. All
7 terms used herein shall have the same meaning as defined in the Stipulation of Settlement.

8 2. The settlement set forth in the Stipulation of Settlement appears to be fair, adequate
9 and reasonable to the Class. The Settlement falls within the range of reasonableness and appears
10 to be presumptively valid, subject only to any objections that may be raised at the final fairness
11 hearing and final approval by this Court.

12 3. A final fairness hearing on the question of whether the proposed Settlement,
13 attorneys’ fees to Class Counsel, costs of administration, and Class Representative’s Enhancement
14 Award should be finally approved as fair, reasonable and adequate as to the members of the Class
15 is scheduled in Department 28 on the date and time set forth in the Implementation Schedule in
16 Paragraph 10 below.

17 4. This Court approves, as to form and content, the Notice of Proposed Class and
18 PAGA Action Settlement and Hearing Date for Final Court Approval of Settlement (“Class
19 Notice”) (**Exhibit A**). The Court approves the procedure for Class Members to opt out of and to
20 object to the Settlement as set forth in the Stipulation of Settlement and Class Notice.

21 5. Consistent with the definitions provided in the Stipulation of Settlement, the terms
22 “Settlement Class” and “Class Members” shall mean all persons employed by Defendant in
23 California as a non-exempt employee from April 4, 2018 through February 16, 2024. The
24 Settlement Class, however, shall not include any person who previously settled or released
25 the claims covered by this Settlement, or any person who previously was paid or received awards
26 through civil or administrative actions for the claims covered by this Settlement, or any person
27 who submitted a timely and valid Request for Exclusion as provided in this Settlement. The
28 “Class Period” shall be April 4, 2018 through February 16, 2024. All Class Members who

1 worked any hours for Defendant in California during any pay period from April 4, 2021
2 through February 16, 2024 are aggrieved employees with respect to the California Private
3 Attorneys General Act (“PAGA”) (“PAGA Members”), and will be paid their PAGA Share
4 and release the Released PAGA Claims regardless of whether they submit a timely and valid
5 Request for Exclusion from the Settlement.

6 6. The Court directs the mailing of the Class Notice by first-class mail to the Class
7 Members in accordance with the Implementation Schedule set forth in Paragraph 10 below. The
8 Court finds the dates selected for the mailing and distribution of the Class Notice, as set forth in
9 the Implementation Schedule, meet the requirements of due process and provide the best
10 notice practicable under the circumstances and shall constitute due and sufficient notice to all
11 persons entitled thereto.

12 7. It is ordered that the Settlement Class is preliminarily certified for settlement
13 purposes only.

14 8. The Court confirms Plaintiff Carl Davis as Class Representative, and Justin F.
15 Marquez and Christina M. Le of Wilshire Law Firm as Class Counsel.

16 9. The Court confirms the appointment of CPT Group Inc. as the Settlement
17 Administrator.

18 10. To facilitate administration of the Settlement pending final approval, the Court
19 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or
20 administrative proceedings (including filing claims with the Division of Labor Standards
21 Enforcement of the California Department of Industrial Relations) regarding claims released by
22 the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with
23 the Settlement Administrator and the time for opting out of the class has elapsed.

10. The Court orders the following Implementation Schedule for further proceedings:

a.	Deadline for Defendant to Submit Class Member and PAGA Member Information to Settlement Administrator	30 calendar days after Order Granting Preliminary Approval
b.	Deadline for Settlement Administrator to Mail Class Notice to Class Members and PAGA Members	60 calendar days after Order Granting Preliminary Approval
c.	Deadline for Class Members to Postmark Requests for Exclusion	60 calendar days after mailing of Class Notice
d.	Deadline for Defendant to provide written Notice of Rescission of Settlement to Class Counsel (if applicable)	14 calendar days after the opt-out deadline
e.	Deadline for Receipt by Court, Settlement Administrator, and Counsel of any Objections to Settlement	60 calendar days after mailing of Class Notice
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees and Costs, and Enhancement Awards	16 Court days before Final Approval Hearing
g.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	16 Court days before Final Approval Hearing
h.	Final Fairness Hearing and Final Approval	Date: _____, 2023 Time: _____ Department: _____
i.	Deadline for Defendant to fund settlement	30 calendar days after Effective Date
j.	Deadline for Settlement Administrator to mail Settlement Awards and Enhancement Award, and to wire transfer Attorneys' Fees and Costs (if Settlement is Effective)	35 calendar days after Effective Date
k.	Deadline for Class Members and PAGA Members to cash Settlement checks (if Settlement is Effective)	120 calendar days after Settlement Administrator mails Settlement Awards and Enhancement Award

1.	Deadline for Settlement Administrator to distribute uncashed Settlement checks amount to <i>cy pres</i> beneficiary (if Settlement is Effective)	14 calendar days after deadline for class members to cash Settlement checks
m.	Settlement Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs, <i>cy pres</i> payment, and payment to LWDA (if Settlement is Effective)	21 calendar days after deadline for Settlement Administrator to pay any unclaimed residue from uncashed Settlement checks to <i>cy pres</i> beneficiary

IT IS HEREBY ORDERED.

Dated: _____, 2024

Judge of the Superior Court

PROOF OF SERVICE

Carl Davis v. Hometown America Management, L.P., et al.
34-2022-00327467-CU-OE-GDS

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Sandy S. Sespene, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is ssespene@wilshirelawfirm.com.

On January 24, 2024, I served the foregoing **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Cary G. Palmer (SBN 186601)
cary.palmer@jacksonlewis.com
Erika M. Barbara (SBN 215702)
erika.barbara@jacksonlewis.com
Gail K. Baum
Gail.Baum@jacksonlewis.com
JACKSON LEWIS, P.C.
400 Capitol Mall, Suite 1600
Sacramento, CA 95814
Telephone: (916) 341-0404
Facsimile: (916) 341-0141

Attorneys for Defendant

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on January 24, 2024, at Los Angeles, California.



Sandy S. Sespene