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

EMMA PETROSSIAN, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

THE TESTING COMPANY LLC, a limited
liability corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 22STCV34526

CLASS ACTION

*[Assigned for all purposes to: Hon. Yvette M.
Palazuelos, Dept. 9]*

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

*[Filed with Notice of Motion and Motion,
Memorandum of Points and Authorities, the
Declaration of Justin F. Marquez, and the
Declaration of Emma Petrossian]*

PRELIMINARY APPROVAL HEARING

Date: February 27, 2024

Time: 10:00 a.m.

Dept: 9

Complaint filed: October 27, 2022

FAC filed: March 2, 2023

Trial date: Not set

1 The Court has before it Plaintiff Emma Petrossian’s (“Plaintiff”) Motion for Preliminary
2 Approval of Class Action Settlement. Having reviewed the Motion for Preliminary Approval
3 of Class Action Settlement, the Declaration of Justin F. Marquez, the Class Action and PAGA
4 Settlement Agreement and Class Notice (which is referred to here as the “Settlement
5 Agreement”), and good cause appearing, the Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
7 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
8 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
9 the terms set forth in the Settlement Agreement between Plaintiff Emma Petrossian and
10 Defendant The Testing Company, LLC (“Defendant”), attached to the Declaration of Justin F.
11 Marquez in Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement
12 as Exhibit 1.

13 2. The Settlement falls within the range of reasonableness of a settlement which
14 could ultimately be given final approval by this Court, and appears to be presumptively valid,
15 subject only to any objections that may be raised at the Final Approval Hearing and final
16 approval by this Court. The Court notes that Defendants have agreed to create a common fund
17 of \$350,000 to cover (a) settlement payments to class members who do not validly opt out; (b)
18 a \$20,000.00 payment to the State of California, Labor & Workforce Development Agency for
19 its share of the settlement of claims for penalties under the Private Attorneys General Act, with
20 75% of which (\$15,000.00) will be paid to the LWDA and 25% (\$5,000.00) will be paid to
21 eligible Aggrieved Employees; (c) Class Representative service payment of up to \$5,000.00 for
22 Plaintiff Emma Petrossian; (d) Class Counsel’s attorneys’ fees, not to exceed 33 1/3% of the
23 Gross Settlement Amount (\$116,666.67), and up to \$20,000.00 in costs for actual litigation
24 expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to
25 \$20,000.00.

26 3. The Court preliminarily finds that the terms of the Settlement appear to be within
27 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
28 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair

1 and reasonable to the class members when balanced against the probable outcome of further
2 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
3 significant informal discovery, investigation, research, and litigation have been conducted such
4 that counsel for the parties at this time are able to reasonably evaluate their respective positions;
5 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
6 by the further prosecution of the litigation; and (4) the proposed settlement has been reached as
7 the result of intensive, serious, and non-collusive negotiations between the Parties with the
8 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
9 that the Settlement Agreement was entered into in good faith.

10 4. A final fairness hearing on the question of whether the proposed settlement,
11 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &
12 Workforce Development Agency for its share of the settlement of claims for penalties under the
13 Private Attorneys General Act, and the class representative's enhancement award should be
14 finally approved as fair, reasonable and adequate as to the members of the class is hereby set in
15 accordance with the Implementation Schedule set forth below.

16 5. The Court provisionally certifies for settlement purposes only the following class
17 (the "Settlement Class"): "all persons who were employed by Testing Company in California
18 as hourly-paid or non-exempt employees during the Class Period."

19 6. "Class Period" means the period from May 2, 2018 to August 9, 2023.

20 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
21 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
22 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
23 of law and fact that are common, or of general interest, to all Settlement Class Members, which
24 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the
25 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
26 the interests of the Settlement Class Members; and (5) a class action is superior to other
27 available methods for the fair and efficient adjudication of the controversy.

28 8. The Court appoints as Class Representative, for settlement purposes only,

Plaintiff Emma Petrossian. The Court further preliminarily approves Plaintiff's ability to request an incentive award up to \$5,000.00.

9. The Court appoints, for settlement purposes only, Justin F. Marquez, Benjamin H. Haber, and Daniel J. Kramer of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-third of the Total Settlement Amount (\$116,666.67), and costs not to exceed \$20,000.00.

10. The Court appoints CPT Group as the Settlement Administrator with reasonable administration costs estimated not to exceed \$20,000.00.

11. The Court approves, as to form and content the Class Notice, attached to the Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the Notice to Settlement Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

12. The parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

13. Any class member who does not timely and validly request exclusion from the settlement may object to the Settlement Agreement.

14. The Court orders the following Implementation Schedule:

Defendants to provide Class List to the Settlement Administrator	14 days after notice of entry of the Court's order granting Motion for Preliminary Approval
Settlement Administrator to mail the Notice Packets	14 days after receipt of the Class List from the Defendant
Response Deadline (Opt-out or dispute Workweeks)	60 days after Notice is mailed out by the Settlement Administrator
Deadline to Provide Written Objections, if any	60 days after Notice is mailed out by the Settlement Administrator

1 2 3 4 5 6 7 8 9 10 11	Deadline for Administrator to Submit Report	14 days before the deadline to file the Motion for Final Approval of Settlement
12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Award to Plaintiff	16 court days before hearing on Motion for Final Approval, which is _____.
	Final Approval Hearing	_____ at _____ a.m./p.m., or first available date thereafter, in Department 9. The hearing may be continued to another date without further notice to the Class Members.

15. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

IT IS SO ORDERED.

DATE:

Hon. Yvette M. Palazuelos
Los Angeles County Superior Court

Petrossian v. The Testing Company LLC, et al.
22STCV34526

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss

On January 3, 2024, I served the foregoing **[PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION 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:

Amy R. Patton (SBN 203877)
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 Tyler B. Runge (SBN 310697)
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 Chris Van Steenbergen
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(X) **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service **CASEANYWHERE**.

Executed on January 3, 2024, at Los Angeles, California.


Min Jee Kim