

MELMED LAW GROUP P.C.
Jonathan Melmed (SBN 290218)
jm@melmedlaw.com
Laura Supanich (SBN 314805)
lms@melmedlaw.com
Michiko Vartanian (SBN 323979)
mv@melmedlaw.com
1801 Century Park East, Suite 850
Los Angeles, California 90067
Phone: (310) 824-3828
Fax: (310) 862-6851

Attorneys for Plaintiff and the Putative Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

DIANA MEZA, an individual, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

IMPERIAL BAG & PAPER CO. LLC, a
Delaware limited liability company; and DOES 1
TO 50,

Defendants.

Case Number: 22STCV34617

**~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: May 28, 2024

Time: 9:00 a.m.

Dept: 10

Judge: Honorable William F. Highberger

Complaint Filed: October 28, 2022

FAC Filed: January 11, 2023

1 Plaintiff's unopposed Motion for Preliminary Approval of a Class Action Settlement came
2 before this Court on May 28, 2024, in Department 10, the Honorable William V. Highberger presiding.
3 The Court having considered the papers submitted in support of the application of the parties,
4 HEREBY ORDERS THE FOLLOWING:

5 1. The Court grants preliminary approval of the Settlement and the Settlement Class based
6 upon the terms set forth in the Class Action and PAGA Settlement Agreement and Class Notice (the
7 "Settlement Agreement"), which was attached as **Exhibit A** to the Declaration of Jonathan Melmed
8 in support of Plaintiff's Motion for Order Granting Preliminary Approval of Class Action Settlement
9 (filed on February 2, 2024), as amended by the First Amendment to Class Action and PAGA
10 Settlement Agreement and Class Notice ("Amendment") attached as **Exhibit A** to the Supplemental
11 Declaration of Jonathan Melmed in support of Plaintiff's Motion for Order Granting Preliminary
12 Approval of Class Action Settlement ("Supp. JM Decl.") (The Settlement Agreement and Amendment
13 are referred to herein collectively as the "Agreement".) All terms used herein shall have the same
14 meaning as defined in the Agreement. The settlement set forth in the Agreement appears to be fair,
15 adequate and reasonable to the Class, and the Court preliminarily approves the terms of the
16 Agreement, including, without limitation:

- 17 a. A non-reversionary Gross Settlement Amount of **\$2,194,277.76**;
- 18 b. A Class Representative Service Payment of up to **\$5,000.00**;
- 19 c. Court approved attorneys' fees to Class Counsel of up to **\$731,409.25**,
20 representing one-third of the Gross Settlement Amount;
- 21 d. Court approved litigation costs to Class Counsel of up to **\$15,000.00**;
- 22 e. Fees and Costs of the Settlement Administrator of up to **\$30,000.00**; and
- 23 f. A PAGA allocation of \$110,000.00, with **\$82,500.00** (i.e., 75%) payable to the
24 California Labor & Workforce Development Agency for its portion of the
25 PAGA penalties.

26 2. This Court has considered the papers in support of the Motion and the Agreement and
27 finds that, pursuant to California Rules of Court, Rule 3.769(d), the proposed Class should be certified
28 for settlement purposes only. Specifically, the Court finds for settlement purposes only that the
proposed Class: (a) is ascertainable; (b) is sufficiently numerous; (c) meets the commonality

1 requirements; (d) the claims of the Class Representatives are typical of the claims of the proposed
2 Class Members; (e) Class Representative's counsel has and is able to adequately represent the
3 proposed Class; (f) the Class Representative is adequate to represent the Class; and (g) class-wide
4 treatment of this dispute is superior to individual litigation because common issues predominate over
5 individual issues for settlement purposes.

6 3. The Settlement falls within the range of reasonableness and appears to be
7 presumptively valid, subject only to any objections that may be raised at the final fairness hearing and
8 final approval by this Court.

9 4. A final fairness hearing on the question of whether the proposed Settlement, attorneys'
10 fees and costs to Class Counsel, and the Class Representative's Service Payment should be finally
11 approved as fair, reasonable and adequate as to the members of the Class is scheduled on the date and
12 time set forth in the implementation schedule in Paragraph 13 below.

13 5. This Court approves, as to form and content, the Notice of Proposed Class Action
14 ("Class Notice"), in substantially the form attached to the Supp. JM. Dec. as **Exhibit D**. The Court
15 approves the procedure for Class Members to participate in, to opt out of, and to object to, the
16 Settlement as set forth in the Agreement.

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

22 7. It is ordered that the Settlement Class is preliminarily certified for settlement purposes
23 only.

24 8. The Court preliminarily certifies for settlement purposes only the Settlement Class
25 defined as follows: *all individuals who are or were employed by Defendant as non-exempt employees*
26 *in California during the Class Period, but excluding individuals to the extent they worked for*
27 *Defendant and were placed at the physical location for APP through May 2, 2022, and including all*
28 *individuals who worked at the APP site starting May 3, 2022 through April 15, 2024.*

9. The Court preliminarily confirms Plaintiff Diana Meza as the Class Representative.

10. The Court preliminarily approves Jonathan Melmed, Laura Supanich, and Michiko Vartanian of Melmed Law Group P.C. as Class Counsel.

11. The Court appoints ILYM Group, Inc. as the Settlement Administrator.

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

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

a.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator	[within 15 calendar days after the Preliminary Approval Date] 6/12/24
b.	Deadline for Settlement Administrator to Mail Notice to Class Members	[within 14 days after receiving the Class data] 6/26/24
c.	Deadline for Class Members to Postmark Requests for Exclusion	[60 days after mailing of the Class Notice] 8/26/24
d.	Deadline for Class Members to submit any Objections to Settlement	[60 days after mailing of the Class Notice] 8/26/24
e.	Deadline for Settlement Administrator to provide Class Counsel and Defense Counsel with Declaration of Due Diligence and Proof of Mailing	[14 days prior to the date by which Plaintiff is required to file the Motion for Final Approval of the Settlement] 8/29/24
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days prior to Final Approval and Fairness Hearing] 9/12/24
g.	Final Approval and Fairness Hearing (the Court's first available date after September 15, 2024)	<u>10/7</u> , 2024 at <u>1:30</u> a.m. /p.m.

14. If any of the dates in this Implementation Schedule falls on a weekend, bank or court holiday, the time to act shall be extended to the next business day.

15. The Court shall retain jurisdiction over the Action for all purposes pursuant to California Rule of Court 3.769 and California Rule of Civil Procedure section 664.6 to enforce the terms of the Settlement.

IT IS SO ORDERED.

Dated: 05/28/2024

A. F. Krynke

Hon. William F. Highberger
Judge of the Superior Court, Los Angeles County