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Joseph Lavi, Esq. (SBN 209776)
Vincent C. Granberry, Esq. (SBN 276483)
Antonia Bliznets, Esq. (SBN 344511)
Arthur Adamian, Esq. (SBN 348428)
LAVI & EBRAHIMIAN, LLP
8889 W. Olympic Boulevard, Suite 200
Beverly Hills, California 90211
Telephone: (310) 432-0000
Facsimile: (310) 432-0001
Emails: jlavi@lelawfirm.com
vgranberry@lelawfirm.com
abliznets@lelawfirm.com
aadamian@lelawfirm.com
WHTS@lelawfirm.com

Attorneys for Plaintiff HUGO AGUILAR,
on behalf of himself and others similarly situated

[Additional Counsel listed on following page]

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

HUGO AGUILAR, on behalf of himself and
others similarly situated,

Plaintiff,

vs.
AEROANTENNA TECHNOLOGY, INC.;
and DOES 1 to 100, inclusive,

Defendants.

Case No. 22STCV36447

CLASS ACTION

[ASSIGNED FOR ALL PURPOSES TO THE
HONORABLE MAREN NELSON, DEPT. 17]

**[PROPOSED] ORDER GRANTING
PLAINTIFFS’ MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

[Filed concurrently with Declarations in
Support; and [Proposed] Order]

Hearing Information:
Date: June 18, 2024
Time: 10:00 a.m.
Dept.: 11

Action Filed: November 10, 2022

FILED
Superior Court of California
County of Los Angeles
07/26/2024
David W. Slayton, Executive Officer / Clerk of Court
By: T. Lewis Deputy

1 Boris Sorsher, Esq. (SBN 251718)
2 **FISHER PHILLIPS**
3 2050 Main Street, Suite 1000
4 Irvine, CA 92614
5 Telephone: (949) 851-2424
6 Facsimile: (949) 851-0152
7 Email: bsorsher@fisherphillips.com

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Attorneys for Defendant AEROANTENNA TECHNOLOGY, INC.

1 The Motion for Preliminary Approval of Settlement came before this Court in Department
2 17 of the Los Angeles County Superior Court located at 312 N. Spring Street, Los Angeles,
3 California 90012, the Honorable David Cunningham, III presiding. The Court, having considered
4 the Class Action and PAGA Settlement Agreement (“Settlement” or “Settlement Agreement”) and
5 Class and PAGA Settlement Notice (“Class Notice”) entered into by and between Plaintiff HUGO
6 AGUILAR (“Plaintiff”) and Defendant AEROANTENNA TECHNOLOGY, INC. (“Defendant”),
7 attached as Exhibit 1 to the Declaration of Antonia McKee Bliznets in Support of Plaintiff’s Motion
8 for Preliminary Approval of Settlement, and the Exhibits attached thereto; having considered the
9 Motion for Preliminary Approval of Settlement filed by the Parties; having considered the respective
10 points and authorities and declarations submitted by the Parties in support thereof; and good cause
11 appearing, HEREBY ORDERS THE FOLLOWING:

12 The Court grants preliminary approval of the settlement as set forth in the Settlement and
13 finds the terms to be within the range of reasonableness of a settlement that ultimately could be
14 granted approval by the Court at the Final Approval Hearing. For purposes of the Settlement, the
15 Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-
16 defined community of interest among the Class in questions of law and fact. Therefore, for
17 settlement purposes only, the Court grants conditional certification of the following “Class” defined
18 as follows:

19 Any and all persons who worked for Defendant as non-exempt, hourly employees in
20 California during the Class Period.

21 1. The “Class Period” means the period from November 17, 2018, through January 13,
22 2023.

23 2. For purposes of the settlement, the Court designates named Plaintiff Christian Hugo
24 Aguilar as Class Representatives and Joseph Lavi, Esq., Vincent C. Granberry, Esq., and Antonia
25 Bliznets, Esq. of Lavi & Ebrahimian, LLP as Class Counsel.

26 3. The Court appoints Pheonix Settlement Administrators to serve as the Administrator.

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28 4. The Final Approval Hearing on the question of whether the proposed settlement

1 should be finally approved as fair, reasonable, and adequate as to the Class Members is scheduled
2 in Department 11 of this Court, located at 312 N. Spring Street, Los Angeles, California 90012, on
3 December 17, 2024, ~~2023~~, at 9:00 am ~~a.m./p.m.~~.

4 5. At the Final Approval Hearing, the Court will consider: (a) whether the settlement
5 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
6 approval of the settlement should be entered; and (c) whether Plaintiff's Motion for Class Counsel
7 Fees Payment, Class Litigation Expenses Payment, and Class Representative Service Payments
8 should be granted.

9 6. Not later than 16 court days before the calendared Final Approval Hearing, Plaintiff
10 shall file a motion for final approval of the Settlement that includes a request for approval of the
11 PAGA settlement under Labor Code section 2699, subd. (l), a Proposed Final Approval Order and
12 a proposed Judgment (collectively "Motion for Final Approval").

13 7. Plaintiff and/or Class Counsel shall file a Motion for Class Counsel Fees Payment
14 and Class Litigation Expenses Payment no later than 16 court days prior to the Final Approval
15 Hearing.

16 8. As part of the Motion for Class Counsel Fees Payment and Class Litigation Expenses
17 Payment, Plaintiff shall seek Court approval for any Class Representative Service Payments no later
18 than 16 court days prior to the Final Approval Hearing.

19 9. The Court approves, as to form and content, the Class Notice which is attached to
20 the Settlement as Exhibit A.

21 10. Not later than 14 days after the Court grants Preliminary Approval of the Settlement,
22 Defendant shall simultaneously deliver the Class Data to the Administrator, in the form of a
23 Microsoft Excel spreadsheet.

24 11. Using best efforts to perform as soon as possible, and in no event later than 14 days
25 after receiving the Class Data, the Administrator shall send to all Class Members identified in the
26 Class Data, via first-class United States Postal Service ("USPS") mail, the Class Notice.

27 12. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
28 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not later

1 than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for Class
2 Members whose Class Notice is re-mailed).

3 13. The Court finds that the forms of Class Notice to the Class regarding the pendency
4 of the Action and of this Settlement, and the methods of giving notice to members of the Class
5 constitute the best notice practicable under the circumstances and constitute valid, due, and
6 sufficient notice to all Class Members. They comply fully with the requirements of California Code
7 of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766
8 and 3.769, the California and United States Constitutions, and other applicable law.

9 14. The Court further approves the procedures for Class Members to participate in, opt
10 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

11 15. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
12 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not later
13 than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for Class
14 Members whose Class Notice is re-mailed). A Request for Exclusion is a letter from a Class Member
15 that reasonably communicates the Class Member's election to be excluded from the Settlement and
16 includes the Class Member's signature, name, address, telephone number, approximate dates of
17 employment, and social security number for verification purposes. To be valid, a Request for
18 Exclusion must be timely faxed, emailed, or postmarked by the Response Deadline and be sent by
19 the Class Member themselves.

20 16. Participating Class Members may send written objections to the Administrator, by
21 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire an
22 attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A
23 Participating Class Member who elects to send a written objection to the Administrator must do so
24 not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional 14
25 days for Class Members whose Class Notice was re-mailed).

26 17. Pending the Final Approval Hearing, all proceedings in this action, other than
27 proceedings necessary to carry out or enforce the terms and conditions of the Settlement Agreement
28 and this Order, are stayed.

18. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

19. The Court orders the following schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendant to deliver the Class Data to the Administrator	14 days after the Court's entry of this Order
Notice Date: Last day for Administrator to mail Class Notice to Class Members	14 days after receiving the Class Data
Response Deadline: (i) Last day for Class Members to submit Requests for Exclusion; (ii) Last day for Class Members to submit Objections.	60 days after the Administrator mails the Class Notice (plus an additional 14 days for Class Members whose Class Notice is re-mailed)
Last day to file Motion for Final Approval	16 court days before the Final Approval Hearing
Last day to file Motion for Class Counsel Fees Payment, Class Litigation Expenses Payment, and Class Representative Service Payments	16 court days before the Final Approval Hearing
Final Approval Hearing and Hearing on Motion for Class Counsel Fees Payment, Class Litigation Expenses Payment, and Class Representative Service Payments:	December 17, 2024 at 9:00 a.m.

20. The Final Approval Hearing and related prior deadlines set forth above may, from time to time and without further notice to the Class (except those who have filed timely and valid objections), be continued or adjourned by Order of the Court.

IT IS SO ORDERED.

Dated: 07/26/2024


HONORABLE DAVID CUNNINGHAM, III
JUDGE OF THE SUPERIOR COURT