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and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

COLETTE APPEL, on behalf of herself
and all others similarly situated and on
behalf of the general public,

Plaintiff,

v.

INVITATION HOMES REALTY
CALIFORNIA INC., a California
corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 56-2022-00572240-CU-OE-VTA

Assigned to the Honorable Mark Borrell, Dept. 40

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT
AND LEAVE TO FILE FIRST AMENDED
COMPLAINT**

Date: December 15, 2023

Time: 8:30 a.m.

Dept.: 40

Complaint Filed: November 18, 2022

1 The unopposed motion of Plaintiff Colette Appel (“Plaintiff”) for Preliminary Approval of
2 Class and Representative Action Settlement and for Leave to File a First Amended Complaint came
3 on for hearing before this Court in Department 40, Judge Mark Borrell presiding, on December 15,
4 2023 at 9:30 a.m. The Court, having considered the papers submitted in support of the motion and
5 having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the proposed Settlement Agreement and Release of Claims (the “Settlement”) filed with
8 the Court. The settlement appears to be fair, adequate, and reasonable to the Class;

9 2. The Court finds that the settlement falls within the range of reasonableness and
10 appears to be presumptively valid, subject only to any objections that may be raised at the final
11 hearing;

12 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
13 Class Action Settlement and Final Hearing (“Notice”), attached to the Settlement as Exhibit 1, and
14 the Request for Exclusion form (“Exclusion Form”), attached to the Settlement as Exhibit 2;

15 4. The Court directs the mailing of the Notice and Exclusion Form by first class mail
16 to the Settlement Class Members in accordance with the schedule set forth below. The Court finds
17 that the dates selected for the mailing and distribution of the Notice and Exclusion Form, as set
18 forth herein, meet the requirements of due process and provide the best notice practicable under the
19 circumstances and shall constitute due and sufficient notice to all persons entitled thereto;

20 5. The Court approves the Gross Settlement Amount of Two Hundred Eighty Five
21 Thousand Dollars (\$285,000) It is ordered that the Settlement Class is preliminarily certified for
22 settlement purposes only. The Settlement Class is defined as follows: all persons who worked for
23 Defendant in California as a “Leasing Experience Specialist” and were classified as an independent
24 contractor during the Class Period (May 22, 2018 through February 28, 2022);

25 6. The Court approves and appoints Gaines & Gaines, APLC as Class Counsel, and
26 grants preliminary approval of an award of attorneys’ fees of up to 35% of the Gross Settlement
27 Amount (or \$99,750) and documented litigation costs of up to \$15,000 to Class Counsel, subject
28 to final approval by the Court following a further motion by Class Counsel;

7. The Court approves and appoints Plaintiff Colette Appel as the Class Representative and grants preliminary approval to proposed Incentive Award to Plaintiff Colette Appel in an amount not to exceed \$10,000, subject to final approval by the Court following a further motion by the Class Representative;

8. The Court grants preliminary approval of the allocation of \$10,000 to settle the representative claims under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$7,500) shall be paid to the LWDA and 25% (\$2,500) shall be paid to Aggrieved Employees as part of the Net Settlement Proceeds;

9. The Court hereby approves and appoints Phoenix Settlement Administrators as the Settlement Administrator and grants preliminary approval of the payment of fees and other charges of the Settlement Administrator in an amount not to exceed \$5,000;

10. The Court directs Plaintiff to file, for settlement purposes only, the First Amended Complaint attached as Exhibit 3 to the Settlement within ten (10) calendar days after notice of entry of this Order, and suspends any obligation of Defendant to file a responsive pleading thereto; and

11. The Court orders the following schedule of dates for the specified actions/further proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and their dates they worked for Defendant as a "Leasing Experience Specialist" in California during the Class Period ("Settlement Class Information")	10 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Exclusion Form to Class Members	20 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Class Members to submit a written exclusion form to the Settlement Administrator	45 calendar days after the initial mailing of the Notice to Class Members
Last day for Class Members to submit an objection to the Settlement Administrator	45 calendar days after the initial mailing of the Notice to Class Members

<u>EVENT</u>	<u>TIMING</u>
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	10 calendar days before the final settlement approval hearing date
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days before the final settlement approval hearing date
Final settlement approval hearing	_____, 2024, at _____.m. (approximately 90 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT