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Attorneys for Plaintiff Kristine Kaestner
and Proposed Class Counsel

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

KRISTINE KAESTNER, on behalf of
herself and all similarly situated
individuals,

Plaintiff,

v.

MY JOURNEY TRANSPORT, a
California corporation, JOURNEY VIA
GURNEY, LLC, a California limited
liability company, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 34-2022-00330013

Assigned to the Hon. Lauri Damrell, Dept. 28

CLASS ACTION

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

Date: January 19, 2024

Time: 9:00 a.m.

Dept.: 28

Reservation #A-330013-001

Complaint Filed: February 15, 2023

1 The unopposed motion of proposed Plaintiff Kristine Kaestner (“Plaintiff”) for Preliminary
2 Approval of Class and Representative Action Settlement and for Leave to File a Second Amended
3 Complaint came on for hearing before this Court in Department 28, Judge Lauri Damrell presiding,
4 on January 19, 2024. The Court, having considered the papers submitted in support of the motion
5 and 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. It is ordered that the Settlement Class is preliminarily certified for settlement
21 purposes only. The Settlement Class is defined as follows: all persons who are or were previously
22 employed by Defendants in a non-exempt position in the State of California between November
23 18, 2018 and November 8, 2023. The Aggrieved Employees are defined all persons who are or
24 were previously employed by Defendants in a non-exempt position in the State of California
25 between November 9, 2021 and November 8, 2023;

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1 6. The Court approves and appoints Gaines & Gaines, APLC as Class Counsel, and
2 grants preliminary approval of an award of attorneys' fees of up to one-third of the Gross Settlement
3 Amount (or \$105,000) and documented litigation costs of up to \$18,000 to Class Counsel, subject
4 to final approval by the Court following a further motion by Class Counsel;

5 7. The Court approves and appoints Plaintiff Kristine Kaestner as the Class
6 Representative and grants preliminary approval to proposed Enhancement Payment to Plaintiff
7 Kristine Kaestner in an amount not to exceed \$5,000, subject to final approval by the Court
8 following a further motion by the Class Representative;

9 8. The Court grants preliminary approval of the allocation of \$40,000 to settle the
10 representative claims under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of
11 which 75% (\$30,000) shall be paid directly to the LWDA and 25% (\$10,000) shall be paid to
12 Aggrieved Employees as part of the Net Settlement Proceeds;

13 9. The Court hereby approves and appoints Phoenix Settlement Administrators as the
14 Settlement Administrator and grants preliminary approval of the payment of fees and other charges
15 of the Settlement Administrator in an amount not to exceed \$7,500;

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

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

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<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members and Aggrieved Employees, including their last known addresses, telephone numbers, social security numbers, and their dates of employment in a non-exempt position in California during the Class Period (for Class Members) and the PAGA Period (for Aggrieved Employees) (“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
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