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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF IMPERIAL**

11
12 BRYAN CIOFFI, individually and on
behalf of all similarly situated individuals,

13 Plaintiff,

14 v.

15 J.J. KELLER & ASSOCIATES, INC., a
16 Wisconsin corporation, and DOES 1
through 10, inclusive,

17 Defendants.
18
19

CASE NO: ECU002941

Assigned to the Hon. L. Brooks Anderholt, Dept. 9

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

DATE: July 27, 2023

TIME: 8:30 a.m.

DEPT.: 9

Complaint Filed: May 26, 2023

1 Plaintiff Bryan Cioffi's ("Plaintiff") Unopposed Motion for Preliminary Approval of Class
2 Action Settlement came on for hearing before this Court in Department 9, Judge L. Brooks
3 Anderholt presiding, on July 27, 2023. The Court, having considered the papers submitted in
4 support of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE**
5 **FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Settlement Agreement and Release of Claims ("Settlement") filed with the Court. The
8 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") and the Request for Exclusion ("Exclusion
14 Form"), and also approves the procedure for members of the Class to opt-out from or object to the
15 Settlement, as set forth in the Notice and Exclusion Form;

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

21 5. It is ordered that the Settlement Class is preliminarily certified for settlement
22 purposes only. The Settlement Class is defined as follows: all non-exempt employees who worked
23 for J.J. Keller & Associates Inc. in California from December 14, 2018 through May 2, 2023;

24 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
25 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
26 of up to 40% of the Gross Settlement Amount (or \$54,000) and documented litigation costs of up
27 to \$5,000 to Class Counsel, subject to final approval by the Court following a further motion by
28 Class Counsel;

1 7. The Court approves and appoints Plaintiff Bryan Cioffi as the Class Representative
2 and grants preliminary approval to a proposed Incentive Award Payment and General Release
3 Payment in an amount not to exceed \$10,000;

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

8 9. The Court hereby approves and appoints Phoenix Settlement Administrators as the
9 Settlement Administrator and grants preliminary approval of the payment of fees and other charges
10 of the Settlement Administrator in an amount not to exceed \$4,000;

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

<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 pay periods worked during both the Settlement Class Period and PAGA Period ("Settlement Class Information")	30 calendar days after the Parties receive the Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Exclusion Form to Class Members	40 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Class Members to submit an Exclusion Form to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Members to submit a written objection to the Settlement Administrator	45 calendar days after the initial mailing of the Class 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

<u>EVENT</u>	<u>TIMING</u>
Final settlement approval hearing	_____, 2023, at _____.m. (approximately 115 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT