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MARIA GUADALUPE HERNANDEZ

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

MARIA GUADALUPE HERNANDEZ, on
behalf of the State of California, and others
similarly situated,

Plaintiff,

vs.

YZER, LLC, a Florida limited liability
company; PEOPLEASE LLC, a South
Carolina limited liability company; and DOES
1-100, inclusive,

Defendant.

Case No. 23CV025345

Assigned For All Purposes To:
Hon. Michael Markman
Dept. 23

~~[PROPOSED]~~ ORDER GRANTING MOTION
FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Date: October 8, 2024
Time: 10:00 a.m.
Dept.: 23

FILED
Superior Court of California
County of Alameda

11/07/2024

Clad Fiske, Executive Officer / Clerk of the Court

By: *John L. Tumon* Deputy
A. Tumon on

1 The Court, having read the papers filed regarding Plaintiff's unopposed Motion for
2 Preliminary Approval of Class Action Settlement, hereby finds and ORDERS as follows:

3 1. The Class Action and PAGA Settlement Agreement ("Settlement Agreement")
4 attached as Exhibit 1 to the Declaration of Michael Jones in support of Plaintiffs' Motion for
5 Preliminary Approval of Class Action Settlement, filed on or about July __, 2024, is within the
6 range of possible recovery and, subject to further consideration at the Final Approval Hearing
7 described below, is preliminarily approved as fair, reasonable, and adequate. The Court, for
8 purposes of this Order, adopts all defined terms as set forth in the Settlement Agreement.

9 2 For purposes of settlement only, the Court provisionally and conditionally certifies
10 the following class: "all current and former non-exempt individuals who worked for Defendants
11 YZER, LLC and Peoplease LLC (together "Defendants") in California at any time within Class
12 Period of July 26, 2021 to April 17, 2024, and all current and former non-exempt individuals who
13 worked for YZER and who were issued wage statements by Peoplease in California at any time
14 during the Class Period."

15 3. The Court finds the Settlement Class, consisting of approximately 515 members, is
16 so numerous that joinder of all members is impracticable, and that the Settlement Class is
17 ascertainable by reference to the business records of Defendants.

18 4. The Court finds further there are questions of law and fact common to the entire
19 Settlement Class, which common questions predominate over any individualized questions of law
20 or fact. These common questions include, without limitation: (1) whether Defendants paid
21 Settlement Class Members for all hours worked at the correct hourly rate (2) whether Defendants
22 provided Settlement Class Members with all required meal and rest periods, (3) whether
23 Defendant reimbursed reasonable and necessary business expenses, (4) whether Defendant
24 provided Settlement Class Members with proper itemized wage statements; and (5) whether
25 Defendant timely paid Settlement Class Members all wages due upon separation of employment.

26 5. The Court finds further the claims of named Plaintiff Maria Guadalupe Hernandez
27 are typical of the claims of the Settlement Class, and that she will fairly and adequately protect
28 the interests of the Settlement Class. Accordingly, the Court appoints Maria Guadalupe

1 Hernandez as the Class Representative, and appoints her counsel of record, Zachary M. Crosner,
2 Jamie Serb, and Michael Jones, and Crosner Legal, P.C., as Class Counsel.

3 6. The Court finds further that certification of the Settlement Class is superior to
4 other available means for the fair and efficient adjudication of the controversy.

5 7. The Court finds further that, in the present case, the proposed method of providing
6 notice of the Settlement to the Settlement Class via First Class U.S. Mail to each Settlement Class
7 Member's last known address, is reasonably calculated to notify the Settlement Class Members of
8 the proposed Settlement and provides the best notice possible under the circumstances. The
9 Court also finds the Notice of Class Action Settlement form is sufficient to inform the Settlement
10 Class Members of the terms of the Settlement and their rights thereunder, including the right to
11 object to the Settlement or any part thereof and the procedure for doing so, their right to exclude
12 themselves from the Settlement and the procedure for doing so, their right to obtain a portion of
13 the Settlement proceeds, and the date, time and location of the Final Approval Hearing. The
14 proposed Notice of Class Action Settlement (Exhibit A to the Settlement Agreement), and the
15 procedure for providing Notice set forth in the Settlement Agreement, all are approved by the
16 Court.

17 8. Under the terms of the Settlement Agreement, the Court approves the Parties'
18 selection of Atticus Administration, LLC as the Settlement Administrator. The Settlement
19 Administrator is ordered to mail the Class Notice to the Settlement Class Members via First-Class
20 U.S. Mail as specified in the Settlement Agreement, and to otherwise carry out all other duties set
21 forth in the Settlement Agreement. The Parties are ordered to carry out and comply with all terms
22 of this Order and the Settlement Agreement, and particularly with respect to providing the
23 Settlement Administrator all information necessary to perform its duties under the Settlement
24 Agreement.

25 9. Any member of the Settlement Class who wishes to comment on or object to the
26 Settlement or any term thereof, including any proposed award of attorney's fees and costs to
27 Class Counsel or any proposed representative enhancement to the Class Representative, shall
28 have sixty (60) days from the mailing of the Class Notice to submit his or her comments and/or

1 objection to the Settlement Administrator, as set forth in the Settlement Agreement and Class
2 Notice.

3 10. Any member of the Settlement Class who wishes to exclude themselves from the
4 Settlement shall have sixty (60) days from the mailing of the Class Notice to submit his or her
5 Request for Exclusion to the Settlement Administrator, as set forth in the Settlement Agreement
6 and Class Notice.

7 11. The Settlement administrator is ordered to file a declaration in advance of the Final
8 Approval Hearing attaching and authenticating all Requests for Exclusion, if any, and further
9 attaching and authenticating all Objections, if any.

10 12. A Final Approval Hearing is hereby set for February 20, ²⁰²⁵~~2024~~, at 10:00 a.m. in
11 Department 23 of the Alameda County Superior Court, to consider any objections to the
12 Settlement, determine if the proposed Settlement should be found fair, adequate and reasonable
13 and given full and final approval by the Court, and to determine the amount of attorney's fees and
14 costs awarded to Class Counsel, the amount of any representative enhancement award to the
15 Class Representative, and to approve the fees and costs payable to the Settlement Administrator.
16 All legal memoranda, affidavits, declarations, or other evidence in support of the request for final
17 approval, the award of attorney's fees and costs to Class Counsel, the enhancement award to the
18 Class Representative, and the fees and costs of the Settlement Administrator, shall be filed no
19 later than sixteen (16) court days prior to the Final Approval Hearing. The Court reserves the
20 right to continue the Final Approval Hearing without further notice to the Settlement Class
21 Members.

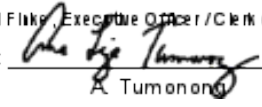
22 13. Provided he or she has not submitted a timely and valid Request for Exclusion, any
23 Settlement Class Member may appear, personally or through his or her own counsel, and be heard
24 at the Final Approval Hearing regardless of whether he or she has submitted a written objection.

25 Dated: 11/07/2024
26 _____



Judge of the Superior Court

Michael Markman / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612		FILED Superior Court of California County of Alameda 11/08/2024 Chad Finke, Executive Officer / Clerk of the Court By:  Deputy A. Tumonong
PLAINTIFF/PETITIONER: MARIA GUADALUPE HERNANDEZ		
DEFENDANT/RESPONDENT: YZER, LLC, a Florida limited liability company et al		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: 23CV025345

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order [PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

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Zachary Crosner
CROSNER LEGAL, PC
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Dated: 11/08/2024

Chad Finke, Executive Officer / Clerk of the Court

By:



A. Tumonong, Deputy Clerk