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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

DEC 28 2023

By K. Collier
KRISTEN COLLIER, Deputy

Attorneys for Plaintiff, the Putative Class, and the Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

ERIC GORDON, an individual, on behalf of
himself, the State of California, as a private
attorney general, and on behalf of all others
similarly situated,

Plaintiff,

v.

HIGH POINT SALES & MARKETING LLC, a
Business of Unknown Formation; and DOES 1
TO 50,

Defendants.

Case Number: CIVSB2304131

~~[Proposed]~~ **Order Granting Preliminary
Approval of Class Action Settlement**

Date: December 28, 2023

Time: 1:30 p.m.

Dept.: S-26

Judge: Hon. Joseph T. Ortiz

~~[PROPOSED]~~ ORDER

This matter having come for hearing on December 28, 2023, regarding Plaintiff's unopposed *Motion for Preliminary Approval of Class Action Settlement* (the "Motion") on the terms set forth in the parties' *Settlement Agreement and Release of Class Action* (the "Settlement") attached as **Exhibit A** to the concurrently filed *Declaration of Jonathan Melmed in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement*. Having considered the Settlement, all papers and proceedings held herein, and having reviewed the entire record in this action, the Court hereby finds and orders:

1. The Court grants Plaintiff leave to file the overlength brief attached to the Motion.
2. The Court grants preliminary approval of the Settlement and the "Settlement Class" (as that term is defined in the Motion) based upon the terms set forth in the Settlement. All terms used herein shall have the same meaning as defined in the Motion. The resolution set forth in the Settlement appears to be fair, adequate, and reasonable to the Settlement Class.
3. The Court preliminarily approves the proposed class settlement upon the terms and conditions set forth in the Settlement. The Court finds, on a preliminary basis, that the Settlement falls within the range of reasonableness and is presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.
4. The Court hereby preliminary approves the definition and disposition of the Gross Settlement Amount, which if not escalated pursuant to the Settlement Agreement, amounts to \$142,000.00, which is inclusive of: attorney's fees not to exceed \$47,333.33, litigation costs not to exceed \$10,000.00, settlement administrator costs not to exceed \$6,500.00, a service award to Plaintiff not to exceed \$10,000, and Private Attorneys' General Act of 2004 ("PAGA") penalties in the amount of \$10,000.00, of which \$7,500.00 (75%) will be paid to the Labor and Workforce Development Agency ("LWDA") and \$2,500.00 (25%) will be paid out to the PAGA Settlement Class, which shall mean all individuals who are or were employed by Defendants as non-exempt employees in California during the PAGA Period.
5. A final fairness hearing on the question of whether the proposed Settlement, the attorneys' fees and costs to Plaintiff's counsel, and Plaintiff's enhancement award should be finally

1 approved as fair, reasonable, and adequate as to the members of the Class is scheduled in Department
2 1 on the date and time set forth in the implementation schedule below.

3 6. This Court approves, as to form and content, the *Notice of Proposed Class Action*
4 *Settlement* ("Class Notice") to be distributed to the Class Members pursuant to the Settlement in
5 substantially the same form as is attached to the Settlement. The Court approves the procedure for Class
6 Members to participate in, to opt out of, and to object to the settlement as set forth in the Settlement.

7 7. The Court directs the mailing of the Class Notice by first class mail to the Class
8 Members in accordance with the implementation schedule set forth below. The Court finds the dates
9 selected for the mailing and distribution of the Class Notice, as set forth in the implementation schedule,
10 meet the requirements of due process and constitute the best notice practicable under the circumstances
11 and due and sufficient notice to all persons entitled thereto.

12 8. The Court preliminarily certifies the Class, as defined in the Motion, for settlement
13 purposes.

14 9. The Court confirms Plaintiff Eric Gordon ("Plaintiff" or "Class Representative") as
15 class representative.

16 10. The court confirms Jonathan Melmed, Megan E. Ross, and Hannah Becker of Melmed
17 Law Group P.C. as class counsel.

18 11. The court appoints CPT Group as the Settlement Administrator.

19 12. To facilitate administration of the Settlement pending final approval, the court hereby
20 enjoins Plaintiff and all members of the Class from filing or prosecuting any claims, suits, or
21 administrative proceedings (including filing claims with the Division of Labor Standards Enforcement
22 of the California Department of Industrial Relations) regarding claims released by the Settlement,
23 unless and until such Class Members have filed valid requests for exclusion with the Settlement
24 Administrator and the time for filing claims with the Settlement Administrator has elapsed.

25 13. The Court orders the following Implementation Schedule for further proceedings:
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27	a.	Deadline for Defendant to Submit Class List to the Settlement Administrator	[Within twenty (20) calendar days of this order.]
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b.	Deadline for Settlement Administrator to Mail Notice Packets to all Class Members	[Within ten (10) calendar days of this order.]
c.	Deadline for Class Members to Postmark Share Forms with Challenges	[Within sixty (60) days after mailing of the Class Notice.]
d.	Deadline for Class Members to Postmark Requests for Exclusion	[Within sixty (60) days after mailing of the Class Notice.]
e.	Deadline for Class Members to Submit Any Objections to Settlement	[Within sixty (60) days after mailing of the Class Notice.]
f.	Deadline for Settlement Administrator to Provide Class Counsel with Declaration of Due Diligence	[At least twenty (20) calendar days prior to final approval and fairness hearing.]
f	Final Approval and Fairness Hearing	<u>APRIL 29TH</u> , 2024 at <u>1:30</u> a.m.(p.m.)

14. If any of the dates in this implementation schedule fall on a weekend, bank or court holiday, the time to act shall be extended to the next business day.

IT IS SO ORDERED.

Dated: Dec. 28, 2023


Hon. Joseph T. Ortiz
Judge of the Superior Court, County of San Bernardino