

1 John G. Yslas (SBN 187324)
2 john.yslas@wilshirelawfirm.com
3 Samantha A. Smith (SBN 233331)
4 Samantha.smith@wilshirelawfirm.com
5 Diego Aviles (SBN 315533)
6 daviles@wilshirelawfirm.com
7 Harry Erganyan (SBN 333091)
8 Herganyan@wilshirelawfirm.com
9 Mariam Nazaretyan (SBN 334154)
10 mariam.nazaretyan@wilshirelawfirm.com
11 **WILSHIRE LAW FIRM**
12 3055 Wilshire Blvd., 12th Floor
13 Los Angeles, California 90010
14 Telephone: (213) 381-9988
15 Facsimile: (213) 381-9989

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 12/13/2024
By Deputy: Conder, Perla

16 Attorneys for Plaintiff Venice Moses, individually,
17 and on behalf of all others similarly situated

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **FOR THE COUNTY OF MONTEREY**

20 VENICE MOSES, individually, and on behalf of
21 all others similarly situated,

22 Plaintiff,

23 v.

24 CVAC, INC. dba CARMEL VALLEY
25 ATHLETIC CLUB and CVAC and REFUGEE,
26 an Illinois corporation; and DOES 1 through 10,
27 inclusive,

28 Defendants.

Case No.: 23CV001337

Assigned for all purposes to:
Hon. Thomas W. Wills, Dept. 15

REVISED ~~PROPOSED~~ ORDER
GRANTING PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT

Date: December 13, 2024
Time: 8:30 a.m.
Dept.: 15

1 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
2 significant informal discovery, investigation, research, and litigation have been conducted such
3 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
4 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
5 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as
6 the result of intensive, serious, and non-collusive negotiations between the Parties with the
7 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
8 that the Settlement Agreement was entered into in good faith.

9 4. A final fairness hearing on the question of whether the proposed Settlement,
10 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &
11 Workforce Development Agency for its share of the settlement of claims for penalties under the
12 Private Attorneys General Act, and the Class Representative's enhancement awards should be
13 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set
14 in accordance with the Implementation Schedule set forth below.

15 5. The Court provisionally certifies for settlement purposes only the following class
16 (the "Class"): "as all persons currently or formerly employed by CVAC as hourly-paid, non-
17 exempt employees in the State of California during the Class Period."

18 6. "Class Period" means the period from April 28, 2019 to the day the Court entered
19 this Order.

20 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
21 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
22 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
23 of law and fact that are common, or of general interest, to all Settlement Class Members, which
24 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the
25 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
26 the interests of the Settlement Class Members; and (5) a class action is superior to other
27 available methods for the fair and efficient adjudication of the controversy.

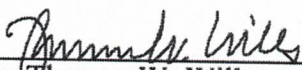
28 8. The Court appoints as Class Representative, for settlement purposes only,

EVENT:	DEADLINE:
Class Member Response Deadline	February 17, 2025 - 45 days after mailing Notice to Class
Class Member Deadline to Object	February 17, 2025 - 45 days after mailing Notice to Class
Deadline for Administrator to Submit Declaration in Support of Motion for Final Approval	March 12, 2025 – 14 days before the last day to file Plaintiff's Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Awards to Plaintiff
Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Awards to Plaintiff	March 26, 2025 - 16 court days before the calendared Final Approval Hearing
Final Approval Hearing	April 18, 2025 at 8:30 a.m

15. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

IT IS SO ORDERED.

DATE: December 13, 2024


 Hon. Thomas W. Wills
 Monterey County Superior Court