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Attorneys for Plaintiff Eleanor Jacobs
and Proposed Class Counsel

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

ELEANOR JACOBS, on behalf of herself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

WESTERN LIVING CONCEPTS, a
California corporation, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: CV2300926

Assigned to the Hon. Timothy Canning, Dept. 4

**[PROPOSED] ORDER (1) GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND (2)
GRANTING LEAVE TO FILE FIRST
AMENDED COMPLAINT**

DATE: July 29, 2024

TIME: 10:30 a.m.

DEPT.: 4

Action Filed: June 13, 2023

1 Plaintiff Eleanor Jacobs' ("Plaintiff") Unopposed Motion for Preliminary Approval of Class
2 Action and PAGA Settlement and for Leave to File First Amended Complaint came on for hearing
3 before this Court in Department 4, Timothy Canning presiding, on July 29, 2024 at 10:30 a.m. The
4 Court, having considered the papers submitted in support of the motion and having heard oral
5 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 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 and PAGA Settlement and Final Hearing ("Notice"), attached as Exhibit 1 to the
14 Settlement, the exclusion form attached as Exhibit 2 to the Settlement, and also approves the
15 procedure for members of the Class to object to the settlement set forth in the Notice;

16 4. The Court directs the mailing of the Notice and exclusion form by first class mail to
17 the Settlement Class Members and Aggrieved Employees in accordance with the schedule set forth
18 below. The Court finds that the dates selected for the mailing and distribution of the Notice, as set
19 forth herein, 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 of Defendant
23 Western Living Concepts in California at any time between June 13, 2019 and March 30, 2024 who
24 have not entered into an arbitration agreement with Defendant. The "Aggrieved Employees" shall
25 be defined as "all non-exempt employees of Defendant Western Living Concepts in California at
26 any time between April 5, 2022 and the date the Court grants preliminary approval, or July 1, 2024,
27 whichever occurs first;"

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6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees of up to 35% of the Gross Settlement Amount (as defined in the Settlement), and documented litigation costs of up to \$15,000 to Class Counsel to be paid from the Gross Settlement Amount, subject to final approval by the Court following a further motion by Class Counsel;

7. The Court approves and appoints Plaintiff Eleanor Jacobs as the Class Representative and grants preliminary approval to a proposed Service Payment to the Class Representative in an amount not to exceed \$10,000, to be paid from the Gross Settlement amount;

8. The Court grants preliminary approval of the allocation of \$20,000 of the Gross Settlement Amount to penalties under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$15,000) shall be paid to the LWDA and 25% (\$5,000) shall be paid to Aggrieved Employees as part of the Net Settlement Proceeds;

9. The Court hereby approves and appoints Phoenix Settlement Administrator as the Claims Administrator and grants preliminary approval of the payment of fees and other charges from the Gross Settlement Amount to the Claims Administrator in an amount not to exceed \$15,000;

10. The Court grants Plaintiff leave to file the First Amended Class and Representative Action Complaint attached as Exhibit 3 to the Settlement, within five (5) court days of the entry of this Order, and consents that Defendant is not required to file a responsive pleading thereto;

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Claims Administrator a list of all Class Members and Aggrieved Employees, including their last known addresses, telephone numbers, and social security number ("Settlement Class Information")	14 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Claims Administrator to mail Notice to Class Members and Aggrieved Employees	20 calendar days after entry of Court's Order granting preliminary approval of Settlement

<u>EVENT</u>	<u>TIMING</u>
Last day for Class Members to submit a written exclusion form to the Claims Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Members to submit an Objection to the Claims 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 Claims 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	_____, 2025, at _____.m. (approximately 90 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT