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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

FERNANDO ALBERTO ACEVEDO,
ANTHONY GUZMAN, FERNANDO
HIPOLITO, and VANESSA OLMOS-CORTES,
individually, on behalf of all others similarly
situated, and on behalf of the State of California
and other aggrieved persons,

Plaintiffs,

v.

CROCS RETAIL, LLC, a limited liability
company; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 23STCV15354

CLASS & REPRESENTATIVE ACTION

[Assigned to: Hon. Elihu M. Berle, Dept. 6]

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

[Filed concurrently with: Plaintiffs' Notice of Motion and Motion for Preliminary Approval of Class Action Settlement, Memorandum of Points and Authorities; Declaration of Arrash T. Fattahi; Declaration of Plaintiff Fernando Alberto Acevedo; Declaration of Plaintiff Anthony Guzman; Declaration of Plaintiff Fernando Hipolito; Declaration of Plaintiff Vanessa Olmos-Cortes; Declaration of Julie Green of CPT Group, Inc.; and Declaration of Stanley Stringfellow]

PRELIMINARY APPROVAL HEARING

Date: January 17, 2025

Time: 11:00 a.m.

Dept: 6

Complaint filed:	June 30, 2023
FAC filed:	December 20, 2024
Trial date:	Not set

1 The Court has before it Plaintiffs Fernando Alberto Acevedo, Anthony Guzman,
2 Fernando Hipolito, and Vanessa Olmos-Cortes’ (collectively, “Plaintiffs”) Motion for
3 Preliminary Approval of Class Action Settlement. Having reviewed the Motion for Preliminary
4 Approval of Class Action Settlement, the Declarations of Arrash T. Fattahi, Plaintiffs, Julie
5 Green of CPT Group, Inc., and Stanley Stringfellow, the Class and PAGA Settlement
6 Agreement (which is referred to here as the “Settlement Agreement”), and good cause
7 appearing, the Court hereby finds and orders as follows:

8 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
9 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
10 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
11 the terms set forth in the Settlement Agreement between Plaintiffs and Defendant Crocs Retail,
12 LLC (“Defendant” or “Crocs,” and together with Plaintiffs, the “Parties”), attached to the
13 Declaration of Arrash T. Fattahi in Support of Plaintiffs’ Motion for Preliminary Approval of
14 Class Action Settlement as Exhibit 1.

15 2. The Settlement falls within the range of reasonableness of a settlement which
16 could ultimately be given final approval by this Court, and appears to be presumptively valid,
17 subject only to any objections that may be raised at the Final Approval Hearing and final
18 approval by this Court. The Court notes that Defendant has agreed to create a common fund of
19 \$1,000,000.00 to cover (a) settlement payments to class members who do not validly opt out;
20 (b) a \$10,000.00 payment to the State of California, Labor & Workforce Development Agency
21 (“LWDA”) for its share of the settlement of claims for penalties under the Private Attorneys
22 General Act (“PAGA”), 75% of which (\$7,500.00) being paid to the LWDA and 25%
23 (\$2,500.00) being paid to eligible Aggrieved Employees; (c) Class Representative service
24 payments of up to \$7,500.00 for each named Plaintiff (\$30,000.00 total); (d) Class Counsel’s
25 attorneys’ fees, not to exceed 1/3 of the Gross Settlement Amount (\$333,333.33), and up to
26 \$35,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement
27 Administration Costs of up to \$19,750.00.

28 3. The Court preliminarily finds that the terms of the Settlement appear to be within

1 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
2 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair
3 and reasonable to the class members when balanced against the probable outcome of further
4 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
5 significant informal discovery, investigation, research, and litigation have been conducted such
6 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
7 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
8 by the further prosecution of the litigation; and (4) the proposed settlement has been reached as
9 the result of intensive, serious, and non-collusive negotiations between the Parties with the
10 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
11 that the Settlement Agreement was entered into in good faith.

12 4. A final fairness hearing on the question of whether the proposed settlement,
13 attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement
14 of claims for penalties under the PAGA, and the class representatives' enhancement awards
15 should be finally approved as fair, reasonable and adequate as to the members of the class is
16 hereby set in accordance with the Implementation Schedule set forth below.

17 5. The Court provisionally certifies for settlement purposes only the following class
18 (the "Settlement Class"): "all persons employed as hourly, non-exempt employees by Crocs in
19 California during the Class Period."

20 6. "Class Period" means the period from January 3, 2019 through the date of
21 Preliminary Approval, unless Defendant exercises its option pursuant to Section 5.2 of the
22 Settlement Agreement.

23 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
24 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
25 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
26 of law and fact that are common, or of general interest, to all Settlement Class Members, which
27 predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the
28 Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect

the interests of the Settlement Class Members; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

8. The Court appoints as Class Representatives, for settlement purposes only, Plaintiffs Fernando Alberto Acevedo, Anthony Guzman, Fernando Hipolito, and Vanessa Olmos-Cortes. The Court further preliminarily approves Plaintiffs' ability to request incentive awards up to \$7,500.00 each (\$30,000.00 total).

9. The Court appoints, for settlement purposes only, Arrash T. Fattahi and Arman A. Salehi of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-third of the Gross Settlement Amount (\$333,333.33), and costs not to exceed \$35,000.00.

10. The Court appoints CPT Group, Inc. as the Settlement Administrator with reasonable administration costs estimated not to exceed \$19,750.00.

11. The Court approves, as to form and content the Class Notice, attached to the Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the Notice to Settlement Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

12. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

13. Any class member who does not timely and validly request exclusion from the settlement may object to the Settlement Agreement.

14. The Court orders the following Implementation Schedule:

Defendant to provide Class List to the Settlement Administrator	Within 21 days of the Court's order granting Plaintiffs' Motion for Preliminary Approval
Settlement Administrator to mail the Notice	Within 14 days after receipt of the Class List from Defendant
Response Deadline	45 days after the Notice is mailed out by the

	Settlement Administrator
Deadline to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Service Award to Plaintiff	16 court days before hearing on Motion for Final Approval, which is _____;
Final Approval Hearing	_____ at _____ a.m./p.m., or first available date thereafter, in Department 6. The hearing may be continued to another date without further notice to the Class Members.

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:

Hon. Elihu M. Berle
Los Angeles County Superior Court

Acevedo v. Crocs Retail, LLC, et al.
23STCV15354

1
PROOF OF SERVICE