

1 **JUSTICE FOR WORKERS, P.C.**
William C. Sung SB# 280792
2 E-Mail: william@justiceforworkers.com
Tiffany L. Luu SB# 335127
3 E-Mail: tluu@justiceforworkers.com
3600 Wilshire Boulevard, Suite 1815
4 Los Angeles, CA 90010
Tel: 323-922-2000
5 Fax: 323-922-2000

6 Attorneys for Plaintiff DARCY NUBER

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

10 DARCY NUBER, an individual and on behalf
11 of all others similarly situated;

12 Plaintiff,

13 vs.

14 FEVER LABS, INC., a Delaware corporation;
15 and DOES 1 through 50,

16 Defendants.
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Case No.: 23STCV21796

[Assigned for All Purposes to:
Hon. Kenneth R. Freeman, Dept. 14]

**(PROPOSED) ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

DATE: March 11, 2025
TIME: 2:00 p.m.
DEPT: SSC-14

Action Filed: September 11, 2023
Trial Date: Not Set

1 The Motion of Plaintiff Darcy Nuber (“Plaintiff”) for Preliminary Approval of Class Action
2 Settlement came on regularly for hearing before this Court on March 11, 2025 at 2:00 p.m. This
3 Court, having considered the proposed Stipulation of Settlement (the “Settlement”) attached to the
4 Declaration of William C. Sung filed concurrently herein; having considered Plaintiff’s Motion for
5 Preliminary Approval of Class Action Settlement, Memorandum of Points and Authorities in
6 support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY
7 ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set forth
9 in the Settlement and finds its terms to be within the range of reasonableness of a settlement that
10 ultimately could be granted approval by the Court at a Final Approval Hearing. For purposes of the
11 Settlement, the Court finds that the proposed Class is ascertainable and that there is a sufficiently
12 well-defined community of interest among the members of the Class in questions of law and fact.
13 Therefore, for settlement purposes only, the Court grants conditional certification of the following
14 Class:

15 All persons employed by Defendant Fever Labs, Inc. in California from September
16 11, 2019 to the date of preliminary approval (the “Class Period”) and classified as an
17 exempt employee but who did not earn a monthly salary equivalent to no less than
two times the State minimum wage for full-time employment.

18 2. For purposes of the Settlement, the Court designates named Plaintiff Darcy Nuber as
19 Class Representative and William C. Sung and Tiffany L. Luu of Justice for Workers, P.C. as Class
20 Counsel.

21 3. The Court designates Simpluris, Inc. as the third-party Administrator for mailing
22 notices.

23 4. The Court approves, as to form and content, the Class Notice attached as Exhibit A
24 to the Settlement.

25 5. The Court finds that the form of notice to the Class regarding the pendency of the
26 action and of the Settlement, and the methods of giving notice to Class Members, constitute the best
27 notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all of
28 the Class Members. The form and method of giving notice complies fully with the requirements of

1 California Code of Civil Procedure section 382, California Civil Code section 1781, California
2 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable
3 law.

4 6. The Court further approves the procedures for the Class Members to opt out of or
5 object to the Settlement, as set forth in the Class Notice.

6 7. The procedures and requirements for filing objections in connection with the Final
7 Approval Hearing are intended to ensure the efficient administration of justice and the orderly
8 presentation of any Class Member's objection to the Settlement in accordance with the due process
9 rights of all members of the Class.

10 8. The Court directs the Administrator to mail the Class Notice to Class Members in
11 accordance with the terms of the Settlement.

12 9. The Class Notice shall provide at least sixty (60) calendar days' notice for Class
13 Members to opt out of, or object to, the Settlement.

14 10. The Final Approval Hearing on the question of whether the Settlement should be
15 finally approved as fair, reasonable, and adequate is scheduled in Department SSC-14 of this Court,
16 located at 312 N. Spring Street, Los Angeles, California 90012 on _____, 2025 at
17 ____ a.m./p.m.

18 11. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
19 should be finally approved as fair, reasonable, and adequate for the Class; (b) whether a judgment
20 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application
21 for reasonable attorneys' fees, reimbursement of litigation expenses, service award to Plaintiff,
22 settlement administration costs, and payment to the Labor & Workforce Development Agency
23 ("LWDA") for penalties under the Labor Code Private Attorneys General Act should be granted.

24 12. Counsel for the parties shall file memoranda, declarations, or other statements and
25 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
26 expenses, Plaintiff's service award, payment to the LWDA, and settlement administration costs,
27 prior to the Final Approval Hearing according to the time limits set by the Code of Civil Procedure
28 and the California Rules of Court.

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Event	Date
Defendant to provide Class Data to the Administrator no later than [15 calendar days after Preliminary Approval]:	March 26, 2025
Administrator to mail the Class Notice to Class Members no later than [14 calendar days after receiving Class Data]:	April 9, 2025
Deadline for Class Members to request exclusion from, or object to, the Settlement [60 calendar days after mailing]:	June 8, 2025
Deadline for Administrator to provide declaration of due diligence and compliance [14 calendar days after opt-out/objection deadline]:	June 23, 2025
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	16 court days before Final Approval Hearing
Final Approval Hearing	_____, 2025 at _____

14. Pending the Final Approval Hearing, all proceedings in this Action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

15. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

DATED: _____, 2025

Hon. Kenneth R. Freeman
Judge of the Superior Court