

MARALLE MESSRELIAN (SBN 316974)

maralle@mmlawapc.com

MM LAW, APC

500 N. Brand Blvd., Suite 2000

Glendale, CA 91203

Telephone (818) 810-7747

Facsimile (818) 230-9018

Attorneys for Plaintiff,

RUBEN ORTIZ SALGADO, and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

(UNLIMITED JURISDICTION)

RUBEN ORTIZ SALGADO, on behalf of
himself and all others similarly situated, and the
general public, and as an “Aggrieved Employee”
on behalf of other “Aggrieved Employees”
under the Private Attorneys General Act of
2004,

Plaintiff(s),

vs.

BOB BAFFERT RACING, INC., a California
corporation; and DOES 1 to 25, inclusive,

Defendant(s).

Case No.: 24STCV00686

[Assigned for all purposes to The Honorable
Elihu M Berle, Dept. SSC-6]

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

Action filed: 1/9/2024

Hearing Date: 10/22/2024

Hearing Time: 10:00 a.m.

Hearing Dept: SSC-6, Hon. Elihu M. Berle

1 Plaintiff Ruben Ortiz Salgado's ("Plaintiff") unopposed Motion for Preliminary
2 Approval of Joint Stipulation of Class Action and PAGA Settlement was scheduled for hearing
3 before the Court on October 22, 2024, at 10:00 a.m., before the Honorable Elihu M. Berle,
4 Judge presiding.

5 The Court, having considered the Joint Stipulation of Class Action and PAGA
6 Settlement and Release ("Settlement"), executed by the Parties on September 13, 2024 and
7 attached as Exhibit 1 to the Declaration of Maralle Messrelan filed on September 18, 2024, and
8 the exhibits attached thereto; having considered Plaintiff's Unopposed Motion for Preliminary
9 Approval of Class Action Settlement, memorandum of points and authorities, supporting
10 declarations filed therewith, and good cause appearing thereto, HEREBY ORDERS THE
11 FOLLOWING:

12 1. The Court grants preliminary approval of the Settlement and the Class based
13 upon the terms set forth in the Settlement filed previously. All capitalized terms used herein
14 shall have the same meaning as defined in the Settlement. The Court has determined there is
15 sufficient evidence to suggest that (a) the terms of the Settlement might be fair, adequate, and
16 reasonable to the Class and (b) the Settlement falls within the range of reasonableness and
17 appears to be presumptively valid, subject only to any objections that may be raised at the final
18 hearing and final approval by this Court. The Court will make a determination at the Final
19 Approval Hearing of whether the Settlement is fair, adequate and reasonable to the Class.
20

21 2. For purposes of this Order, the Class is defined as follows:

22 The "Settlement Class" or "Class Members" all current and former non-exempt,
23 hourly-paid employees who worked for Defendant Bob Baffert Racing, Inc. in
24 California at any time during the Class Period. "Class Member" means a single, non-
25 exempt, hourly-paid employee who worked for Defendant Bob Baffert Racing, Inc.
in California during the Class Period. "Class Period" means the time from January 9,
2020 through the date the Court grants Preliminary Approval of the Settlement.

26 The Class is preliminarily certified for settlement purposes only.

27 3. The Court hereby preliminarily finds that the Settlement was the product of
28 serious, informed, non-collusive negotiations conducted at arm's length by the Parties. In

1 making this preliminary finding, the Court considered the nature of the claims set forth in the
2 pleadings, the amounts and kinds of benefits which shall be paid pursuant to the Settlement, the
3 allocation of Settlement proceeds to the Class, and the fact that the Settlement represents a
4 compromise of the Parties' respective positions. The Court further preliminarily finds that the
5 terms of the Settlement have no obvious deficiencies and do not improperly grant preferential
6 treatment to any individual Class Member. Accordingly, the Court preliminarily finds that the
7 Settlement was entered into in good faith.

8 4. The Court finds that the dates set forth in the Settlement for mailing and
9 distribution of the Class Notice meet the requirements of due process and provide the best notice
10 practicable under the circumstances, and constitute due and sufficient notice to all persons
11 entitled thereto, and directs the mailing of the Class Notice by first class mail to the Class as set
12 forth in the Settlement. Accordingly, the Court orders the following implementation schedule for
13 further proceedings:
14

15 a. Within twenty (20) calendar days following the date of this Preliminary
16 Approval Order, Defendant shall provide Phoenix Class Action Administration Solutions, the
17 appointed Settlement Administrator, the Class List with the following information about each
18 Class Member: (1) full name; (2) most recent mailing address and telephone number; (3) Social
19 Security Number; (4) dates of employment; (5) the respective number of Workweeks that each
20 Class Member worked during the Class Period and the number of PAGA Pay Periods worked
21 during the PAGA Period.

22 b. Within ten (10) calendar days after the receipt of the Class List, the
23 Settlement Administrator shall be responsible for calculating the estimated payouts to the Class
24 Members assuming all Class Members participate in the Settlement. The duties of the Settlement
25 Administrator are stated in paragraphs 34 and 60 the Settlement.

26 c. Within ten (10) calendar days after the receipt of the Class List, the
27 Settlement Administrator shall mail the Class Notice to all Class Members pursuant to the terms
28 of the Settlement, by First Class regular U.S. mail. Prior to mailing, the Settlement Administrator

1 will perform a search based on the National Change of Address Database for information to
2 update and correct any known or identifiable address changes.

3 d. Within forty-five (45) calendar days following the mailing of the Class
4 Notice, all requests to be excluded from the Settlement must be returned to the Settlement
5 Administrator postmarked by U.S. Mail, as set forth in the Settlement. Those Class Members
6 who receive a re-mailed Class Notice, will have either (a) fifteen (15) calendar days from the
7 date of re-mailing or (b) until the Response Deadline, whichever is later, to submit a Request for
8 Exclusion. The Settlement Administrator shall file a declaration concurrently with the filing of
9 any motion for final approval of the Settlement authenticating a copy of every Request for
10 Exclusion received by the Settlement Administrator.

11 e. Within forty-five (45) calendar days following the mailing of the Class
12 Notice, all written objections to the Settlement should be mailed to the Settlement Administrator
13 and should state the basis for the objection. Those Class Members who receive a re-mailed Class
14 Notice, will have either (a) fifteen (15) calendar days from the date of re-mailing or (b) until the
15 Response Deadline, whichever is later, to submit an objection to the Settlement. The Settlement
16 Administrator shall forward a copy of the objection to counsel for the parties within two (2)
17 business days of receipt. The Settlement Administrator shall file a declaration concurrently with
18 the filing of any motion for final approval of the Settlement authenticating a copy of every
19 Notice of Objection received by the Settlement Administrator. The Court will consider any
20 written or oral objections or comments from Class Members at the time of the Final Approval
21 Hearing, as set forth in the Class Notice. Class Members may appear at the final approval
22 hearing to be heard on their objections, even if they have not previously served a written
23 objection.
24

25 5. The Court approves, as to form and content, the Notice of Class Action
26 Settlement, attached as Exhibit A to this Order. The Court also approves the procedure for
27 members of the Class to object to the Settlement set forth in the Class Notice.
28

6. The Court approves, for settlement purposes only, Maralle Messrelan of MM Law, APC as Class Counsel.

7. The Court approves, for settlement purposes only, Plaintiff Ruben Ortiz Salgado as the Class Representative.

8. The Court approves Phoenix Class Action Administration Solutions as the Settlement Administrator and orders Phoenix Class Action Administration Solutions to perform the duties described in Paragraph 4 and its subparts.

9. A Final Approval Hearing shall be held at _____ a.m./p.m. on _____, 2025 in Department SSC-6 of the Superior Court for the State of California, County of Los Angeles, located at 312 N Spring Street, Los Angeles, CA 90012, to consider the fairness, adequacy and reasonableness of the proposed Settlement preliminarily approved by this Order, and to consider the application of Class Counsel for an award of reasonable attorneys' fees and costs incurred and the Incentive Award. All briefs and materials in support of the Motion for an Order of Final Approval and Judgment and Application for Attorneys' Fees and Costs shall be filed with this Court sixteen (16) court days prior to the final approval hearing.

10. If for any reason the Court does not execute and file an Order of Final Approval and Judgment, or if the Final Effective Date, as defined in the Settlement, does not occur for any reason, the proposed Settlement that is the subject of this Order, and all evidence and proceedings had in connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth in the Settlement.

11 The Court expressly reserves the right to adjourn or continue the Fairness Hearing from time to time without further notice to members of the Class. The Settlement Administrator shall give prompt notice of any continuance to Class Members who object to the Settlement.

IT IS SO ORDERED.

Date: _____, 2024

Honorable Elihu M. Berle
Judge of the Los Angeles Superior Court