

LIDMAN LAW, APC
Scott M. Lidman (SBN 199433)
slidman@lidmanlaw.com
Milan Moore (SBN 308095)
mmoore@lidmanlaw.com
2155 Campus Drive, Suite 150
El Segundo, California 90245
Tel: (424) 322-4772
Fax: (424) 322-4775

Attorneys for Plaintiffs
GERARDO TORO and USMAN LOPEZ ESCOBAR

HAINES LAW GROUP, APC
Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiffs
GERARDO TORO and USMAN LOPEZ ESCOBAR

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

GERARDO TORO, as an individual, USMAN
LOPEZ ESCOBAR, as an individual, and on
behalf of all others similarly situated,

Plaintiff,

vs.

L.A. PROPERTIES HEFFESSE LLC, a
California limited liability company; and
DOES 1 through 10,

Defendants.

Case No.: 23STCV26332

*[Assigned for all purposes to the Hon. Laura
A. Seigle, Dept. SSC-17]*

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

Date: November 18, 2024
Time: 9:00 a.m.
Dept.: SSC-17

1 The Motion of Plaintiff Gerardo Toro and Usman Lopez Escobar (“Plaintiffs”) for
2 Preliminary Approval of Class Action Settlement (“Motion”) came on regularly for hearing before
3 this Court on November 18, 2024 at 9:00 a.m. a.m. in Department SSC-17. The Court, having
4 considered the proposed Stipulation of Settlement (the “Settlement”), attached as **Exhibit 1** to the
5 Declaration of Scott M. Lidman filed concurrently with the Motion; having considered Plaintiffs’
6 Motion, Memorandum of Points and Authorities in support thereof, and supporting declarations
7 filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

15 All individuals whom Defendant L.A. Properties Heffesse LLC and/or
16 Joseph Heffesse employed in the positions of maintenance, handyman,
17 administrative, and/or all individuals who assist in business operations and
18 who worked for Defendants in California at any time during the Class
Period.

19 2. For purposes of the Settlement, the “Class Period” shall mean the time period
20 between October 6, 2019 through the date the Court preliminarily approves the Settlement.

21 3. For purposes of the Settlement, the Court designates named Plaintiffs Gerardo
22 Toro and Usman Lopez Escobar as Class Representatives, and Scott M. Lidman and Milan
23 Moore of Lidman Law, APC and Paul K. Haines of Haines Law Group, APC as Class Counsel.

24 3. The Court designates Phoenix Settlement Administrators (“Phoenix”) as the third-
25 party Settlement Administrator for mailing notices.

26 4. The Court approves, as to form and content, the Court Approved Notice of Class
27 Action Settlement and Hearing Date for Final Court Approval (“Class Notice”) attached to the
28 Settlement as **Exhibit A**.

1 5. The Court finds that the form of notice to the Settlement Class regarding the
2 pendency of the action and of the Settlement, and the methods of giving notice to Settlement Class
3 members, constitutes the best notice practicable under the circumstances, and constitute valid,
4 due, and sufficient notice to all members of the Settlement Class. The form and method of giving
5 notice complies fully with the requirements of California Code of Civil Procedure section 382,
6 California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and
7 United States Constitutions, and other applicable law.

8 6. The Court further approves the procedures for Settlement Class members to opt
9 out of or object to the Settlement, as set forth in the Class Notice.

10 7. The procedures and requirements for filing objections in connection with the Final
11 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
12 presentation of any Settlement Class member's objection to the Settlement, in accordance with
13 the due process rights of all Settlement Class members.

14 8. The Court directs the Settlement Administrator to mail the Class Notice to all of
15 the Class members in accordance with the terms of the Settlement.

16 9. The Class Notice shall provide at least 60 calendar days' notice for Settlement
17 Class members to dispute, opt out of, or object to, the Settlement.

18 10. The Final Fairness Hearing on the question of whether the Settlement should be
19 finally approved as fair, reasonable, and adequate is scheduled in Department SSC-17 of this
20 Court, located at 312 North Spring Street, Los Angeles, California 90012 on _____,
21 2024 at _____ a.m./ p.m.

22 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
23 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
24 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiffs'
25 application for reasonable attorneys' fees, reimbursement of litigation expenses, service awards
26 to Plaintiffs, and payment to the Labor and Workforce Development Agency ("LWDA") for
27 penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

28 12. Counsel for the parties shall file memoranda, declarations, or other statements and

materials in support of their request for final approval of the Settlement, attorneys' fees, litigation expenses, Plaintiffs' service awards, settlement administration costs, and payment to the LWDA for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

13. An implementation schedule is below:

Event	Date
Defendants to provide Class Data to Settlement Administrator	20 calendar days after the Court enters an order granting preliminary approval.
Settlement Administrator to mail Class Notice to Class Members	14 calendar days after receiving Class Data from Defendant
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	60 calendar days after mailing of the Notice by the Settlement Administrator
Deadline for Plaintiffs to file Motion for Final Approval of Class Action Settlement (and to respond to any objections):	16 Court days before the Final Fairness Hearing
Final Fairness Hearing:	_____, 2024

15. Pending the Final Fairness 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.

16. 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: _____, 2024

Honorable Laura A. Seigle
Judge of the Superior Court