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[Additional Counsel Next Page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

WILLIAM MORENO, LIZBETH GONZALEZ
VELAZQUEZ, SARAH SANDOVAL,
MUSTAFA ALKARKHI, JACOB TERRY, and
RALPH HERNANDEZ, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

ABC PHONES OF NORTH CAROLINA, INC.
DBA VICTRA, a North Carolina corporation;
and DOES 1 through 10, inclusive,

Defendants.

Case No.: 23STCV31717
Related Case No.: 24STCV09415
Related Case No.: 24STCV12066

*[Assigned for All Purposes to the Hon. Elihu
M. Berle, Dept. 6]*

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

Preliminary Approval Hearing:

Date: April 22, 2026
Time: 9:00 a.m.
Dept: 6

Action Filed: December 28, 2023

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[PROPOSED] ORDER

Having reviewed Plaintiffs William Moreno, Lizbeth Gonzalez Velazquez, Sarah Sandoval, Mustafa Alkarkhi, Jacob Terry, and Ralph Hernandez’s (collectively “Plaintiffs”) Motion for Preliminary Approval of Class Action and PAGA Settlement (“Motion”), the Declaration of John G. Yslas, the Declaration of William Moreno, the Declaration of Lizbeth Gonzalez Velazquez, the Declaration of Sarah Sandoval, the Declaration of Mehrdad Bokhour, the Declaration of Joshua S. Falakassa, the Declaration of Mustafa Alkarkhi, the Declaration of Monique N. Toby, the Declaration of Ralph Hernandez, the Declaration of Harout Messrelian, the Declaration of Jacob Terry, and the Class Action and PAGA Settlement Agreement (“Settlement Agreement”), and good cause appearing, the Court finds and HEREBY ORDERS THE FOLLOWING:

1. The Court finds on a preliminary basis that the Settlement Agreement appears to be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval. The Court grants preliminary approval of the Settlement and the Settlement Class based on the terms set forth in the Settlement Agreement between Plaintiffs and Defendant ABC Phones of North Carolina, Inc. DBA Victra (“Defendant”), attached to the Declaration of John G. Yslas in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action and PAGA Settlement as **Exhibit 5**.

2. The Settlement falls within the range of reasonableness of a settlement which could ultimately be given final approval by this Court, and appears to be presumptively valid, subject only to any objections that may be raised at the Final Approval Hearing and final approval by this Court. The Court notes that Defendant has agreed to create a common fund of \$4,400,000.00 to cover (a) settlement payments to Class Members who do not validly opt out; (b) a \$240,000.00 allocation toward civil penalties under the Labor Code Private Attorneys General Act of 2004 (“PAGA”), 75% of which (\$180,000.00) will be paid to California’s Labor & Workforce Development Agency (“LWDA”) and 25% of which (\$60,000.00) will be paid to Aggrieved Employees; (c) a Class Representative Service Payment of up to \$10,000.00 to each of the Plaintiffs (\$60,000.00 total); (d) Class Counsel’s attorneys’ fees not to exceed one third

(1/3) of the Gross Settlement Amount (currently estimated to be \$1,466,666.67), and up to \$75,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to \$35,750.00.

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

4. A final approval hearing on the question of whether the proposed Settlement, attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement of claims for penalties under PAGA, and the Class Representative Service Payments should be finally approved as fair, reasonable and adequate as to the members of the Class is hereby set in accordance with the Implementation Schedule set forth below.

5. The Court provisionally certifies for settlement purposes only the following class (the "Class"): "all persons who worked for Defendant in California as an hourly-paid or non-exempt employee at any time during the Class Period."

6. "Class Period" means the period from December 29, 2019, through April 14, 2026.

7. The Court finds, for settlement purposes only, that the Settlement Class meets the requirements for certification under California Code of Civil Procedure § 382 in that: (1) the Settlement Class Members are so numerous that joinder is impractical; (2) there are questions

1 of law and fact that are common, or of general interest, to all Settlement Class Members, which
2 predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the
3 Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect
4 the interests of the Settlement Class Members; and (5) a class action is superior to other
5 available methods for the fair and efficient adjudication of the controversy.

6 8. The Court appoints as Class Representatives, for settlement purposes only,
7 Plaintiffs William Moreno, Lizbeth Gonzalez Velazquez, Sarah Sandoval, Mustafa Alkarkhi,
8 Jacob Terry, and Ralph Hernandez. The Court further preliminarily approves Plaintiffs' ability
9 to each request an incentive award of up to \$10,000.00 (\$60,000.00 total).

10 9. The Court appoints, for settlement purposes only, John G. Yslas, Diego Aviles,
11 Harry Erganyan, Mariam Nazaretyan, Emily K. Borman, and Courtney M. Miller of Wilshire
12 Law Firm, PLC; Mehrdad Bokhour of Bokhour Law Group, P.C.; Joshua S. Falakassa of
13 Falakassa Law, P.C.; Joseph Lavi, Vincent C. Granberry, and Jovahn Wiggins, Esq. of Lavi &
14 Ebrahimian, LLP; and Harout Messrelian of Messrelian Law Inc. as Class Counsel. The Court
15 further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one
16 third (1/3) of the Gross Settlement Amount (currently estimated to be \$1,466,666.67), and
17 litigation costs not to exceed \$75,000.00.

18 10. The Court appoints Phoenix Settlement Administrators as the Settlement
19 Administrator with reasonable administration costs estimated not to exceed \$35,750.00.

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

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

27 13. Any Class Member who does not timely and validly request exclusion from the
28 Settlement may object to the Settlement Agreement.

14. The Court orders the following Implementation Schedule:

Event	Timing
Class Data: Last day for Defendant to provide Class Data to the Administrator	10 days after the Court grants Preliminary Approval of the Settlement
Class Notice: Last day for Administrator to mail the Class Notice to Class Members	14 days after receipt of the Class Data
Response Deadline: Last day for Class Members to submit written objections, challenges to workweeks and/or pay periods, and requests for exclusion	45 days after Class Notice is mailed out by the Administrator (with an additional 14 days for Class Members whose Class Notice was remailed)
Filing Deadline: Last day to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Class Representative Service Payments to Plaintiffs	16 court days before the Final Approval Hearing
Final Approval Hearing	_____, 2026, at _____ a.m./p.m. in Dept. 6 of the above-referenced Court.

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
JUDGE OF THE SUPERIOR COURT