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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **FOR THE COUNTY OF LOS ANGELES / CENTRAL DISTRICT**

9 JEFF SMOROWSKI on behalf of
10 himself and all similarly situated persons,
and the general public,

11 Plaintiff,

12 v.

13 ARC HOME LLC, a New Jersey
14 Corporation; and DOES 1–50, inclusive,

15
16 Defendants.
17

Case No.: 23STCV22716

*Assigned for all purposes to the
Honorable Stuart M. Rice, Dept. 1*

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

Hearing Date: December 5, 2024
Time: 10:30 a.m.

[Complaint filed: September 20, 2023]

1 Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement came on
2 for hearing before this Court on December 5, 2024 at 10:30 a.m., the Honorable Stuart M. Rice,
3 presiding. Having considered the motion and its supporting papers and for good cause shown,

4 **IT IS HEREBY ORDERED THAT:**

5 1. The Court grants preliminary approval of the proposed class action and
6 representative action settlement based upon the terms set forth in the Settlement Agreement
7 ("Settlement Agreement") attached as Exhibit 1 to the Declaration of John Glugoski in support of
8 Plaintiff's Motion for Preliminary Approval.

9 2. The Court adopts all defined terms as set forth in the Settlement Agreement and finds
10 that the proposed settlement appears to be within the range of reasonableness necessary for
11 preliminary approval by the Court, but final determination of whether the proposed settlement terms
12 are fair, adequate and reasonable will be made at the final approval hearing.

13 3. With respect to the Class and for purposes of approving this settlement only, this
14 Court preliminarily finds that: (a) the members of the Class are ascertainable and so numerous that
15 joinder of all members is impracticable; (b) there are questions of law and fact common to the Class
16 and there is a well-defined community of interest among the Class Members with respect to the
17 subject matter of the litigation; (c) the claims of the Plaintiff and the defenses thereto are typical of
18 the claims of the Class Members and the defenses thereto; (d) the Plaintiff will fairly and adequately
19 protected the interests of the Class Members; (e) a class action is superior to other available methods
20 for an efficient adjudication of this controversy; and (f) counsel of record for the Class
21 Representative are qualified to serve as counsel for Plaintiff in his individual and representative
22 capacity and for the Class.

23 4. The Court therefore conditionally certifies a Settlement Class defined as follows:

24 All current and former exempt and non-exempt employees
25 who worked for Defendant in California during any portion of
the Class Period

26 5. The Court preliminarily approves Plaintiff Jeff Smorowski to serve as the Class
27 Representative. The Court recognizes that the proposed settlement provides that Plaintiff may seek
28 a class representative service award of \$5,000.00, which Defendant does not oppose. The Court

1 preliminarily finds that a request of \$5,000.00 is fair and reasonable, but the finding as to the actual
2 amount to be awarded will be determined at the final approval hearing.

3 6. The Court preliminarily approves Righetti Glugoski, P.C to serve as Class Counsel.
4 The Court recognizes that as part of the proposed settlement, Class Counsel seeks attorneys' fee of
5 up to \$308,302.50 (33.33% of the Settlement Amount) and litigation costs and expenses in an
6 amount not to exceed \$6,500.00, which Defendant does not oppose. The Court preliminarily finds
7 that some amount up to \$308,302.50 in fees and up to \$6,500.00 in costs may be fair and reasonable,
8 but the finding as to the actual amounts to be awarded will be determined at the final approval
9 hearing.

10 7. The court preliminarily approves the amount of \$75,000.00 to be allocated to resolve
11 Plaintiff's pending action before the Civil Rights Department of the Department of Fair Employment
12 and Housing, Case No. 202203-16287002, entitled Smorowski/ARC Home LLC and for a general
13 release of an and all other claims -- known or unknown -- by Plaintiff.

14 8. The Court preliminarily approves the amount of \$55,000.00 from the Gross
15 Settlement Amount to be allocated to penalties under the Private Attorneys General Act of 2004.
16 Seventy-five percent (75%) of that amount, or \$41,250.00, will be paid to the LWDA and twenty-
17 five (25%) of that amount, or \$13,750.00, will be allocated on a pro-rata share basis to the PAGA
18 Members based on their respective number of PAGA Pay Periods during the PAGA Period.

19 9. The Court approves the format and content of the Notice of Class Action Settlement
20 (the "Class Notice") attached hereto as **Exhibit 2**. The Court finds that the dissemination of the
21 Class Notice in the manner set forth in the Settlement Agreement complies with the requirements
22 of due process and appears to be the best notice practicable under the circumstances.

23 10. Any Request for Exclusion or Objection to the Settlement submitted by Class
24 Members shall be submitted to the Settlement Administrator as opposed to filed with the Court. The
25 Settlement Administrator shall file a declaration concurrently with the filing of any motion for final
26 approval, authenticating a copy of every Objection received by the Settlement Administrator.

27 11. The Court appoints ILYM Group, Inc. ("ILYM") to serve as the Settlement
28 Administrator and preliminarily approves that the settlement administration costs (not to exceed

\$15,000.00) be paid from the Settlement Amount. The Court directs ILYM to disseminate the Class Notice in the manner set forth in the Settlement Agreement.

12. The Court orders the following implementation schedule for further proceedings:

a.	Deadline for Defendants to Submit Class List and Data to Settlement Administrator	Thirty (30) calendar days after notice by Plaintiff or the Court of the Preliminary Approval Order
b.	Deadline for Settlement Administrator to Mail the Notice Packet to Class Members	Fifteen (15) calendar days after Defendant provides the Settlement Administrator with the Class List and Data
c.	Deadline for Settlement Administrator to Mail Reminder Post-Cards to Class Members	Not more than thirty (30) calendar days (nor fewer than twenty-five (25) days) after mailing of Notice Packets to Class Members
d.	Deadline for Class Members to Submit Requests For Exclusion or Objections to Settlement	Forty-five (45) calendar days after mailing of Notice Packets to Class Members
e.	Deadline for Class Counsel to file: (1) Motion for Final Approval of Class Action Settlement and (2) Motion for Award of Class Representative Service Award, Claims Administrator's Expenses and Attorneys' Fees and Costs	_____, 2024
f.	Hearing on: • Motion for Final Approval of Class Action Settlement; • Motion for Award of Class Representative Service Award, Settlement Administrator's Expenses and Attorneys' Fees and Costs	_____, 2024 at _____ a.m./p.m.

IT IS SO ORDERED.

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Dated: _____

HONORABLE STUART M. RICE
Judge of the Superior Court of California