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**FILED**  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO

APR 27 2018

BY *Nadya Avakian*  
NADYA AVAKIAN, DEPUTY

9 Attorneys for Plaintiff  
10 CHRISTIAN LEMUS

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF SAN BERNARDINO**

13 CHRISTIAN LEMUS, individually, and on  
14 behalf of others similarly situated, and as a  
15 private attorney general;

16 Plaintiff,

17 vs.

18 SLATER, INC.; and DOES 1 through 50,  
19 inclusive,

20 Defendants.

Case No.: CIVDS1703633

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Conference Date: April 27, 2018  
Conference time: 8:30 a.m.  
Department S26

Complaint Filed: March 2, 2017  
Trial Date: Not Set

Fax File

1 On April 27, 2018, the Motion for Preliminary Approval (“MPA”) of Class Action Settlement  
2 filed by the Plaintiffs in the above-entitled matter was heard in Department S26 of the above-captioned  
3 Court, the Honorable David Cohn presiding.

4 The Court, having fully reviewed the MPA, the supporting Points and Authorities, and the  
5 declaration filed in support thereof, including the Notice of Class Action Settlement, which is attached  
6 as an exhibit to the Declaration of Heather Davis; and having carefully analyzed the Settlement  
7 Agreement and the proposed Notice of Class Action Settlement, and in recognition of the Court’s duty  
8 to make a preliminary determination as to the reasonableness of any proposed class action settlement,  
9 and if preliminarily determined to be reasonable, to ensure proper notice is provided to Class Members  
10 in accordance with due process requirements; and to set a Final Fairness Hearing to consider the  
11 proposed Settlement as to the good faith, fairness, adequacy and reasonableness of any proposed  
12 settlement, **THE COURT HEREBY MAKES THE FOLLOWING DETERMINATIONS AND**  
13 **ORDERS:**

14 1. Terms and phrases used in this Order shall have the same meaning as ascribed to them in the  
15 Joint Stipulation of Settlement and Release (“Settlement Agreement” or “Settlement”).

16 2. The Court finds on a preliminary basis that the Settlement Agreement, the Notice of Class  
17 Action Settlement appear to be within the range of reasonableness of a settlement which could  
18 ultimately be given final approval by this Court. The Court notes that Defendant Slater, Inc.  
19 (“Defendant”) has agreed to pay the Gross Fund Value of \$750,000, out of which Defendant will pay  
20 the Court-approved attorneys’ fees and costs, Class Representative Enhancement Award, payment to  
21 the California Labor and Workforce Development Agency, the Settlement Administrator’s expenses,  
22 and the payments to each individual Class Member.

23 3. It appears to the Court on a preliminary basis that the terms of the Settlement are within the  
24 range of reasonableness that ultimately could be granted approval by the Court at the Final Fairness  
25 Hearing, when balanced against the probable outcome of further litigation relating to class  
26 certification, liability and damages issues, Defendant’s financial status, and potential appeals; it further  
27 appears that sufficient discovery, investigation, research, and litigation have been conducted such that  
28 counsel for the Parties at this time are able to reasonably evaluate their respective positions; it further

1 appears that settlement at this time will avoid substantial costs, delay and risks that would be presented  
2 by the further prosecution of the litigation; it further appears that the proposed Settlement has been  
3 reached as the result of intensive, serious and non-collusive negotiations between the parties, through  
4 the use of a mediator; it further appears that for purposes of the Settlement, the proposed Class is  
5 ascertainable and there is a sufficiently well-defined community of interest among the class in  
6 questions of law and fact;

7 4. Accordingly, good cause appearing, Plaintiff's MPA is hereby **GRANTED**. As such, the  
8 Court hereby accepts and incorporates the parties' Settlement Agreement and orders that the Class be  
9 **conditionally certified** for settlement purposes pursuant to the terms contained in said Settlement  
10 Agreement.

11 5. The Court finds that the Notice of Class Action Settlement, attached hereto and to the  
12 Declaration of Heather Davis, fairly and adequately advise Class Members of the following: the  
13 pendency of the Class Action; the certification of the Class for settlement purposes; preliminary Court  
14 approval of the proposed Settlement Agreement; the date of the Final Fairness Hearing; the terms of  
15 the proposed Settlement and the benefits available to Class Members thereunder; and Class Members'  
16 right to opt-out, or to object to the Settlement, and the procedures for exercising those rights. The  
17 Court further finds that said Notice of Class Action Settlement comports with all constitutional  
18 requirements, including those of due process;

19 6. Accordingly, good cause appearing, the Court hereby **APPROVES** the Notice of Class Action  
20 Settlement.

21 7. The mailing to the addresses of the Class Members as specifically described within the  
22 Settlement Agreement constitutes an effective method of notifying Class Members of their rights with  
23 respect to the Class Action and Settlement;

24 Accordingly, it is hereby **ORDERED**:

- 25 a. ILYM Group, Inc. is the Settlement Administrator;  
26 b. Named Plaintiff Christian Lemus is the Class Representative;

1 c. The Enhancement Award to Named Plaintiff Christian Lemus as sought in the MPA is  
2 preliminarily approved.

3 d. Heather Davis, Esq., Amir Nayebdadash, Esq. and D. Luke Clapp of Protection Law  
4 Group, LLP are hereby appointed as Class Counsel;

5 e. The request for Class Counsel's attorneys' fees and costs as sought in the MPA is  
6 preliminarily approved;

7 f. The LWDA payment is preliminarily approved;

8 g. The Settlement Administrator's fee is preliminarily approved;

9 h. Within fifteen (15) calendar days after the date this Order is signed by the Court,  
10 Defendant shall provide the Settlement Administrator with the Class Data;

11 i. Within thirty (30) calendar days after the date this Order is signed by the Court, the  
12 Settlement Administrator shall mail, by U.S. First Class, to Class Members the Class Notice;

13 j. Opt-out Requests must be submitted by Class Members to the Settlement Administrator  
14 by the response deadline stated in the Notice of Settlement (60 calendar days after the Class Notice is  
15 mailed to the Class Members by the Settlement Administrator);

16 k. Objections must be submitted by Class Members to the Settlement Administrator by  
17 the response deadline stated in the Notice of Settlement (60 calendar days after the Class Notice is  
18 mailed to the Class Members by the Settlement Administrator), and must include the Class Member's  
19 name, address, date of birth, the dates he/she worked for Defendant, and state the basis of the objection.

20 l. On SEPTEMBER 7 2018 at 8:30, at the above-  
21 captioned court, this Court will hold a Final Fairness Hearing to consider the fairness, adequacy and  
22 reasonableness of the proposed Settlement preliminarily approved by this Order, including Class  
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1 Counsel's request for an award of reasonable attorney's fees and costs; the Enhancement Award to  
2 Named Plaintiff Christian Lemus; and the Settlement Administrator's Fee;

3 m. Class Counsel shall submit its Motion for Final Approval and Request for Fees no later  
4 than AUGUST 15, 2018.

5 n. The Court expressly reserves the right to adjourn or continue the Final Fairness hearing  
6 from time to time without further notice to the Class Members.  
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9 DATED: APR 27 2018, 2018

DAVID COHN  
10 Hon. David Cohn  
11 Judge of the Superior Court  
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