

FEB -7 2020

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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **FOR THE COUNTY OF SAN DIEGO**  
19 **CENTRAL DIVISION**

20 MARIA ORTIZ NIETO, as an individual and on  
21 behalf of all others similarly situated,

22 Plaintiff,

23 vs.

24 ROYAL HOSPITALITY, INC. a California  
25 corporation d/b/a RAMADA INN; and DOES 1  
26 through 100,

27 Defendants.

Case No. 37-2018-00046611-CU-OE-CTL

*[Assigned for all purposes to the Hon. Eddie C. Sturgeon, Dept. C-67]*

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

Date: February 7, 2020  
Time: 9:00 a.m.  
Dept.: C-67

Complaint Filed: September 14, 2018

1 The Motion of Plaintiff Maria Ortiz Nieto (“Plaintiff”) for Preliminary Approval of Class  
2 Action Settlement (“Motion”) came on regularly for hearing before this Court on  
3 February 7, 2020 at 9:00 a.m. in Department C-67. The Court, having considered the  
4 proposed Stipulation And Settlement of Class Action Claims (the “Settlement”), attached as  
5 Exhibit A to the Declaration of Scott M. Lidman filed concurrently with the Motion; having  
6 considered Plaintiff’s Motion, Memorandum of Points and Authorities in support thereof, and  
7 supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE  
8 FOLLOWING:

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

16  
17 Any and all persons who are or have been employed by Defendant Royal  
18 Hospitality, Inc. d/b/a Ramada Inn (“Defendant”) as hourly non-exempt  
19 employees in the State of California at any time from September 14, 2014,  
20 through May 3, 2019 (“Class Period”).

21 2. For purposes of the Settlement, the Court designates named Plaintiff Maria Ortiz  
22 Nieto as Class Representative, and designates Scott M. Lidman, Elizabeth Nguyen, 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, as the third-party  
25 Settlement Administrator for mailing notices.

26 4. The Court approves, as to form and content, the Class Notice attached to the  
27 Settlement as Exhibit 1.  
28

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 out  
9 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          9.       The Court directs the Settlement Administrator to mail the Class Notice and Notice  
15 of Settlement Award to all of the Class Members in accordance with the terms of the Settlement.

16          10.       The Class Notice shall provide at least 45 calendar days' notice for Class Members  
17 to opt out of, or object to, the Settlement.

18          11.       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 C-67 of this Court,  
20 located at the Hall of Justice, FOURTH FLOOR, 330 W. Broadway, San Diego, California 92101,  
21 on June 12, 2020 at 7:00 a.m./p.m.

22          12.       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 Plaintiff's  
25 application for reasonable attorneys' fees, reimbursement of litigation expenses, incentive  
26 payment to Plaintiff, and payment to the Labor and Workforce Development Agency ("LWDA")  
27 for penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.  
28

1 13. Counsel for the parties shall file memoranda, declarations, or other statements and  
 2 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation  
 3 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA  
 4 for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the  
 5 Code of Civil Procedure and the California Rules of Court.

6 14. An implementation schedule is below:

Event	Date
Defendants to provide Class Data to Settlement Administrator	30 calendar days after issuance of the preliminary approval order
Settlement Administrator to mail Notice Packets to Class Members	30 calendar days after receiving Class Information from Defendant
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	45 calendar days after mailing of the Notice by the Settlement Administrator
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	_____
Final Fairness Hearing:	<u>June 12</u> , 2020 <sup>9:00 a.m.</sup>

15  
 16 15. Pending the Final Fairness Hearing, all proceedings in this action, other than  
 17 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this  
 18 Order, are stayed.

19 16. Counsel for the parties are hereby authorized to utilize all reasonable procedures  
 20 in connection with the administration of the Settlement which are not materially inconsistent  
 21 with either this Order or the terms of the Settlement.

22 **IT IS SO ORDERED.**

23 Dated: 07 FEB 2020 <sup>BY</sup> ~~2020~~

23 **Eddie C. Sturgeon** <sup>ES</sup>

24 \_\_\_\_\_  
 25 Honorable Eddie C. Sturgeon  
 26 Judge of the Superior Court