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**Order Granting Preliminary Approval of Class Action
Settlement filed**



NEW FILE

ORIGINAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUL 07 2020

BY Jessica Morales
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11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN BERNARDINO**

13 JESUS H. ROBLES, on behalf of himself and
14 all others similarly situated,

15 Plaintiff,

16 v.

17 WINSFORD II CORPORATION, a
California Corporation; the WINSFORD
18 COMPANY, LLC, a Delaware Limited
Liability Company; and DOES 1 through
19 100, inclusive,

20 Defendants,

CASE NO.: CIVDS1902903

~~PROPOSED~~ **ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: July 7, 2020
Time: 9:30 a.m.
Dept: S-26
Judge: Hon. David S. Cohn

Complaint Filed: January 29, 2019
FAC Filed: May 26, 2020

FAXED

1 Plaintiff Jesus H. Robles' ("Plaintiff" or "Class Representative") Motion for Preliminary
2 Approval of a Class Action Settlement came before this Court, on July 7, 2020 at 9:30 a.m. in
3 department S-26 of the above-captioned Court, the Honorable David S. Cohn presiding. The Court,
4 having considered the papers submitted in support of the application of the parties, HEREBY
5 ORDERS THE FOLLOWING:

6 1. The Court grants preliminary approval of the Settlement and the Settlement Class
7 based upon the terms set forth in the Joint Stipulation of Class Action And PAGA Settlement And
8 Release of Claims ("Settlement Agreement" or "Settlement") attached as **Exhibit "1"** to the
9 Declaration of Jonathan Melmed in Support of Plaintiff's Motion for Preliminary Approval of
10 Class Action Settlement. All terms used herein shall have the same meaning as defined in the
11 Settlement Agreement.

12 2. The terms of the Settlement Agreement appear to be fair, adequate and reasonable
13 to the Class.

14 3. This Court has considered the papers in support of the Motion and the Settlement
15 Agreement and finds that, pursuant to C.R.C. Rule 3.769(d), the proposed Class should be certified
16 for settlement purposes only. Specifically, the Court finds that the proposed Class: (a) is
17 ascertainable; (b) is sufficiently numerous; (c) meets the commonality requirements; (d) the claims
18 of the Class Representative is typical of the claims of the proposed Class Members; (e) Class
19 Representative's counsel has and is able to adequately represent the proposed Class; (f) the Class
20 Representative is adequate to represent the Class; and (g) class-wide treatment of this dispute is
21 superior to individual litigation because common issues predominate over individual issues for
22 settlement purposes. Therefore, the Court certifies for settlement purposes the Settlement Class
23 defined as follows: *any individual who is or was employed as a non-exempt employee by*
24 *Defendants Winsford II Corporation and the Winsford Company, LLC in the State of California*
25 *between January 29, 2015 through April 26, 2020* (the "Class Period").

26 4. The Settlement falls within the range of reasonableness and appears to be
27 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
28 and upon final approval by this Court.

1 5. This Court approves, as to form and content, the Notice of Proposed Class Action
2 Settlement and Hearing Date for Court Approval (“Class Notice”), in substantially the form
3 attached to the Settlement Agreement as **Exhibit “A”**. The Court approves the procedures for Class
4 Members to participate in, to opt out of, and to object to, the Settlement as set forth in the Settlement
5 Agreement.

6 6. The Court directs the mailing of the Class Notice and the Share Form by first class
7 mail to the Class Members in accordance with the Implementation Schedule set forth below. The
8 Court finds the dates selected for the mailing and distribution of the Notice and the Share Form, as
9 set forth in the Implementation Schedule, meet the requirements of due process and provide the
10 best notice practicable under the circumstances and shall constitute due and sufficient notice to all
11 persons entitled thereto.

12 7. The Court finds that Plaintiff Jesus H. Robles is adequate and confirms him as Class
13 Representative. The Court further finds that Jonathan Melmed of Melmed Law Group P.C. and
14 Mehrdad Bokhour of Bokhour Law Group, P.C. are adequate Class Counsel with extensive
15 experience in similar class action litigation.

16 8. The Court appoints Phoenix Class Action Settlement Administrators as the
17 Settlement Administrator.

18 9. To facilitate administration of the Settlement pending final approval, the Court
19 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or
20 administrative proceedings (including filing claims with the Division of Labor Standards
21 Enforcement of the California Department of Industrial Relations) regarding claims released by
22 the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with
23 the Settlement Administrator and the time for filing claims with the Settlement Administrator has
24 elapsed.

25 10. A final fairness hearing on the question of whether the proposed Settlement,
26 attorneys’ fees and costs to Class Counsel, and the Class Representative’s Enhancement Award
27 should be finally approved as fair, reasonable and adequate as to the members of the Class is
28 scheduled on the date and time set forth in the Implementation Schedule below.

1 11. The Court orders the following **Implementation Schedule** for further proceedings:

2 a.	Deadline for Defendants to provide Settlement Administrator with Confidentiality Agreement	[Within 5 days of the Preliminary Approval Date, S.A. 3.2]
3		
4 b.	Deadline for Defendants to Submit Class Member Information to Settlement Administrator	[Within 15 days after the Preliminary Approval Date, S.A. 3.2]
5		
6 c.	Deadline for Settlement Administrator to Mail Notice to Class Members	[Within 15 business days of receipt of Class Date, S.A. 3.3]
7		
8 d.	Deadline for Class Members to Postmark Share Forms with Challenges, Request for Exclusion or Object to Settlement	[45 days after mailing of the Class Notice and Share Form, S.A. 4.1 – 4.4]
9		
10 e.	Deadline for Settlement Administrator to provide Declaration of Due Diligence and Proof of Mailing	[50 calendar days after initial mailing date, S.A. 4.5]
11		
12 f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days prior to Final Approval and Fairness Hearing, S.A. 7.2]
13		
14		
15		
16 g.	Final Approval and Fairness Hearing	<u>11.3.20 at 10:00am</u>
17		
18 h.	Deadline for Defendants to pay the Gross Settlement Amount to the Settlement Administrator	[Within 15 business days after the Effective Date, S.A. 5.2]
19		
20 i.	Deadline for Settlement Administrator to mail the Individual Settlement Awards (if Settlement is Effective)	[Within 30 business days after the Effective Date]
21		
22		

23 12. The Court shall retain jurisdiction over the Action for all purposes pursuant to
24 California Rule of Court 3.769 and California Rule of Civil Procedure § 664.6 to enforce the terms
25 of the Settlement.
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1 **IT IS SO ORDERED.**

2 Dated: 2/2/20



HON. DAVID S. COHN
JUDGE OF THE SUPERIOR COURT, SAN
BERNARDINO COUNTY

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