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LOS ANGELES SUPERIOR COURT

SEP 03 2020

S. DREW

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

25 CESAR NAVARRO, as an individual, JOSE
26 ZUNIGA, as an individual, and on behalf of
27 all others similarly situated,

28 Plaintiffs,

vs.

29 TRI-STAR WINDOW COVERINGS, INC., a
30 California Corporation; and DOES 1 through
31 100, inclusive,

32 Defendants.

Case No. BC697813

*[Assigned for All Purposes to the Hon.
William F. Highberger, Dept. SSC-10]*

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

Date: September 28, 2020
Time: 1:30 p.m.
Dept.: SSC-10

Action Filed: March 13, 2018
Trial Date: None

FILED
Superior Court of California
County of Los Angeles
SEP 28 2020
Sherri R. Carter, Executive Officer/Clerk of Court
By Aldwin Lim Deputy

ORIGINAL

FAXED

1 The Motion of Plaintiff Cesar Navarro and Plaintiff Jose Zuniga ("Plaintiffs") for Preliminary
2 Approval of Class Action Settlement will come on regularly for hearing before this Court on September
3 28, 2020 at 1:30 p.m. The Court, having considered the proposed Stipulation of Settlement and
4 Addendum to the Stipulation of Settlement (collectively the "Settlement"), attached as Exhibits 1 and
5 2, respectively, to the Declaration of Scott M. Lidman filed concurrently with the Motion; having
6 considered Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, Memorandum of
7 Points and Authorities in support thereof, and supporting declarations filed therewith; and good cause
8 appearing, HEREBY ORDERS THE FOLLOWING:

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

16 All current and former non-exempt employees of Defendant Tri-Star
17 Window Coverings, Inc. in California, who performed work, that was, at
18 least in part, compensated on a piece-rate basis, from March 13, 2014
19 through the date the Court enters the order granting preliminary approval.

20 2. For purposes of the Settlement, the Court designates named Plaintiffs Cesar Navarro and
21 Jose Zuniga as Class Representatives, and Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of
22 Lidman Law, APC and Paul Haines of Haines Law Group, APC as Class Counsel.

23 3. The Court designates Phoenix Settlement Administrators as the third-party Settlement
24 Administrator for mailing notices.

25 4. Plaintiffs are granted leave to file the Second Amended Class and Representative Action
26 Complaint, which is attached as Exhibit A to the Settlement and shall be filed no earlier than November
27 9, 2020, after the 65 day exhaustion period. Defendant is not required to file a responsive pleading to
28 the Second Amended Class and Representative Action Complaint.

5. The Court approves, as to form and content, the proposed Notice Packet (which is

1 comprised of the Notice of Pendency of Class Action and Proposed Settlement and Notice of Settlement
2 Award), which are attached to the Settlement as Exhibits B and C, respectively.

3 6. The Court finds that the form of notice to the Settlement Class regarding the pendency of
4 the action and of the Settlement, and the methods of giving notice to members of the Settlement Class,
5 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient
6 notice to all members of the Settlement Class. The form and method of giving notice complies fully
7 with the requirements of California Code of Civil Procedure section 382, California Civil Code section
8 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and
9 other applicable law.

10 7. The Court further approves the procedures for Settlement Class Members to opt out of or
11 object to the Settlement, as set forth in the Class Notice.

12 8. The procedures and requirements for filing objections in connection with the Final
13 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
14 presentation of any Settlement Class Member's objection to the Settlement, in accordance with the due
15 process rights of all Settlement Class Members.

16 9. The Court directs the Settlement Administrator to mail the Notice Packet to the members
17 of the Settlement Class in accordance with the terms of the Settlement.

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

20 11. The Final Fairness Hearing on the question of whether the Settlement should be finally
21 approved as fair, reasonable, and adequate is scheduled in Department SSC-10 of this Court, located at
22 312 N. Spring Street, Los Angeles, California 90012 on Jan. 27, 2021 at 1:30 ~~am~~.
23 p.m.

24 12. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should
25 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment
26 granting final approval of the Settlement should be entered; and (c) whether Plaintiffs' application for
27 reasonable attorneys' fees, reimbursement of litigation expenses, service awards to Plaintiffs, and
28 payment to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor

Code Private Attorneys General Act ("PAGA") should be granted.

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

14. An implementation schedule is below:

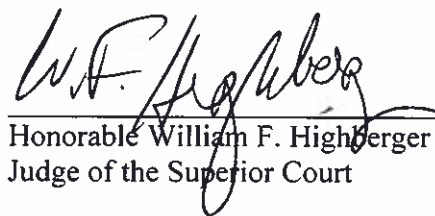
Event	Date	Actual Date ¹
Defendant to provide Class Data to Settlement Administrator	14 calendar days after issuance of the preliminary approval order	October 12, 2020
Settlement Administrator to mail Notice Packets to Class Members	10 calendar days after receiving Class Information from Defendant	October 22, 2020
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	December 7, 2020 ²
Deadline for Plaintiffs to file Motion for Final Approval of Class Action Settlement:	Jan. 4, 2021	
Final Fairness Hearing:	Jan. 27, 2021 1:30 pm, same	

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

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

IT IS SO ORDERED.

Dated: 9/28, 2020


Honorable William F. Highberger
Judge of the Superior Court

¹ These dates are based on the Court granting preliminary approval at the hearing, currently noticed for September 28, 2020.

² 45 calendar days from October 22, 2020 is Sunday, December 6, 2020. Accordingly, Plaintiffs calendared this deadline for the next business day, Monday, December 7, 2020.