

FILED

Superior Court of California
County of Los Angeles

SEP 23 2020

Sherri R. Carter, Executive Officer/Clerk of Court

By  Deputy

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16 **VICTOR PELAEZ**

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF LOS ANGELES**

19 **VICTOR PELAEZ**, an individual, on behalf of
20 himself and all others similarly situated,
21 Plaintiff,

22 vs.

23 **LOS ANGELES RECYCLING CENTER, INC.**,
24 a California Corporation; **BESTWAY**
25 **RECYCLING COMPANY, INC.**, a California
26 Corporation; **BESTWAY GLOBAL**
27 **HOLDINGS, INC.**, a California Corporation;
28 and **DOES 1 through 100**,
Defendants.

CASE NO.: 19STCV32260

[Assigned for all purposes to Hon. William F. Highberger – Dept. SS10]

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

Complaint Filed: September 11, 2019
FAC Filed: November 18, 2019
SAC Lodged: July 9, 2020

~~PROPOSED~~ ORDER

The Motion of Plaintiff Victor Pelaez (hereinafter "Plaintiff") for Preliminary Approval of Class Action Settlement came regularly for hearing before this Court on September 23, 2020 at 1:30 p.m. The Court, having considered the proposed Stipulation of Settlement ("Settlement Agreement" or "Settlement"), and Class Notice filed by Plaintiff; having considered Plaintiff's Motion for Preliminary Approval of Class Action Settlement, memorandum of points and authorities in support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

All current and former non-exempt employees of Defendants in California at any time from September 11, 2015 through the date of preliminary approval of this Settlement or August 31, 2020, whichever is earlier.

2. For purposes of the Settlement, the Court designates named Plaintiff Victor Pelaez as Class Representative, and designates Paul K. Haines of Haines Law Group, APC, and Sam Sani of Sani Law, APC as Class Counsel.

3. The Court designates Phoenix Class Action Administration Solutions as the third-party Claims Administrator for mailing notices.

4. The Court approves, as to form and content, the Notice Packet (comprised of the Class Notice and Notice of Settlement Award) filed by Plaintiff.

5. The Court finds that the form of notice to the Settlement Class regarding the pendency of the action and of the Settlement, and the methods of giving notice to members of the Settlement Class, constitute the best notice practicable under the circumstances, and constitute

1 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
2 giving notice complies fully with the requirements of California Code of Civil Procedure section
3 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California
4 and United States Constitutions, and other applicable law.

5 6. The Court further approves the procedures for Settlement Class members to opt out
6 of or object to the Settlement, as set forth in the Class Notice and the Settlement.

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

11 8. The Court directs the Claims Administrator to mail the Class Notice to the members
12 of the Settlement Class in accordance with the terms of the Settlement.

13 9. The Class Notice shall provide at least 60 calendar days' notice for members of the
14 Settlement Class to submit disputes, opt out of, or object to the Settlement.

15 10. The Final Fairness Hearing on the question of whether the Settlement should be
16 finally approved as fair, reasonable, and adequate is scheduled in Department 10 of this Court,
17 located at 312 North Spring Street, Los Angeles, CA 90012, on 1/28/, 2021 at 1:30pm.

18 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
19 should be approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a
20 judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's
21 application for an enhancement payment, claims administration costs, Labor and Workforce
22 Development Agency's ("LWDA") share of PAGA penalties, and Class Counsel's attorneys' fees
23 and costs should be granted.

24 12. Counsel for the parties shall file memoranda, declarations, or other statements and
25 materials in support of their request for final approval of Plaintiff's application for an enhancement
26 payment, claims administration costs, LWDA's share of PAGA penalties, and Class Counsel's
27 attorneys' fees and costs no later than Jan. 6, 2021.

28 13. An implementation schedule is below:


Event	Date
Defendants to provide class contact information to Claims Administrator no later than:	<u>Oct. 5, 2020</u> (Within 10 calendar days after entry of Order granting preliminary approval of class actions settlement)
Claims Administrator to mail the Class Notice to the Settlement Class no later than:	<u>Oct. 13, 2020</u> (Within 7 calendar days from Claims Administrator's receipt of class contact information from Defendants)
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	<u>Dec. 14, 2020</u> (Within 60 calendar days of the date of the Claims Administrator's initial mailing of the Class Notice to Settlement Class)
Final Fairness Hearing:	<u>Jan. 28, 2021</u> at <u>1:30 pm</u>

14. 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.

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

IT IS SO ORDERED.

Dated: 9/23, 2020


 Honorable William F. Highberger
 Judge of the Superior Court