

1 David Mara, Esq. (SBN 230498)
2 Jill Vecchi, Esq. (SBN 299333)
3 **MARA LAW FIRM, PC**
4 2650 Camino Del Rio North, Suite 205
San Diego, California 92108
Telephone: (619) 234-2833
Facsimile: (619) 234-4048

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

JUN 01 2021

BY 
JESSICA MORALES, DEPUTY

5 Attorneys for DAVID BAIRD, on behalf of himself,
6 all others similarly situated, and on behalf of the general public.

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **IN AND FOR THE COUNTY OF SAN BERNARDINO**

9
10 DAVID BAIRD on behalf of himself, all
11 others similarly situated, and on behalf of
the general public,

12 Plaintiffs,

13 v.

14 SAFE HAVEN SECURITY SERVICES
15 INC.; and DOES 1-100,

16 Defendants.

Case No. CIVDS1924470

[Assigned for All Purposes to
Hon. David Cohn, Dept. S-26]

**[PROPOSED] ORDER GRANTING
PLAINTIFF DAVID BAIRD'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT,
CONDITIONAL CERTIFICATION,
APPROVAL OF CLASS NOTICE, SETTING
OF FINAL APPROVAL HEARING DATE**

Date: June 1, 2021
Time: 10:00 a.m.

Complaint Filed: August 16, 2019
Trial Date: Not Set

1 **I. RECITALS**

2 This action is currently pending before this Court as a putative class action (the “Action”).
3 Plaintiff David Baird has applied to this Court for an order preliminarily approving the settlement
4 of the Action in accordance with the Joint Stipulation and Settlement Agreement (the
5 “Agreement”), which together with the exhibits annexed thereto, sets forth the terms and
6 conditions for a proposed settlement and entry of judgment upon the terms and conditions set forth
7 therein. The Court has read and considered the Memorandum of Points and Authorities in support
8 of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, Conditional
9 Certification, Approval of Class Notice, Setting of Final Approval Hearing Date; and Declaration
10 of David Mara, Esq., in Support of Plaintiff’s Motion for Preliminary Approval of Class Action
11 Settlement, and attached exhibits. For purposes of this Order, the Court adopts all defined terms
12 as set forth in the Agreement.

12 **II. FINDINGS**

13 After review and consideration of the Agreement and Plaintiff’s motion for preliminary
14 approval and the papers in support thereof, the Court hereby finds and orders as follows:

15 1. The Agreement falls within the range of reasonableness meriting possible final
16 approval.

17 2. The certification of the Class solely for purposes of settlement is appropriate in that:
18 (1) the Class Members are ascertainable and so numerous that joinder of all Class Members is
19 impracticable; (2) there are questions of law and fact common to the Class which predominate
20 over any individual questions; (3) Plaintiff’s claims are typical of the claims of the Class; (4)
21 Plaintiff and his Counsel have fairly and adequately represented and protected the interests of the
22 Class; and (5) a class action, and class-wide resolution of the action via class settlement procedures
23 is superior to other available methods for the fair and efficient adjudication of the controversy.

24 3. The Agreement, and the obligations of the Parties as set forth therein, is fair,
25 reasonable, and is an adequate settlement of this case and is in the best interests of the Class in
26 light of the factual, legal, practical, and procedural considerations raised by this case.

27 4. Plaintiff does not have any conflicts that would preclude him from serving as Class
28 Representative, and his appointment comports with the requirements of due process.

1 5. Class Counsel does not have any conflicts that would preclude them from acting as
2 Class Counsel, and they meet the requirements for appointment as Class Counsel and the
3 requirements of due process.

4 6. The Notice of Proposed Class Settlement attached as Exhibit A hereto and to the
5 Agreement complies with due process because the Notice of Proposed Class Settlement is
6 reasonably calculated to adequately apprise Class Members of: (i) the pending lawsuit; (ii) the
7 terms of the proposed Agreement; and (iii) their rights, including the right to either participate in
8 the settlement, exclude themselves from the settlement, or object to the settlement. Plaintiff's
9 proposed plan for class notice and settlement administration is the best notice practicable under
10 the circumstances.

11 **III. ORDER**

12 The Court having considered the papers submitted in support of the motion for preliminary
13 approval, HEREBY ORDERS THE FOLLOWING:

14 1. The Court finds on a preliminary basis that the provisions of the Agreement are
15 fair, just, reasonable, and adequate and, therefore, meet the requirements for preliminary approval.

16 2. The following Class is conditionally certified for purposes of settlement only: All
17 current and former non-exempt security technicians/installers who worked for Defendant in
18 California at any time during the period from August 16, 2015 through December 18, 2020.

19 3. The Agreement provides for the following release as to Participating Class
20 Members,¹ which is hereby approved conditionally: All claims that were pled or that could have
21 been pled based on the factual allegations contained in the complaint on file in the Action. The
22 release will be as to the Released Parties. The Released Parties are Defendant and its past, present
23 and/or future, direct and/or indirect, officers, directors, employees, representatives,
24 administrators, attorneys, agents, parent companies, subsidiaries and affiliated corporations and
25 entities, consultants, shareholders, joint ventures, predecessors, successors, and/or assigns. The
26 release shall be for the Class Period. The Class Period is August 16, 2015 through December 18,
27 2020.

28 ¹ Participating Class Members are Class Members who do not properly and timely request to be
excluded from the Settlement.

1 3. The settlement appears to be fair, adequate and reasonable to the Class. The
2 settlement falls within the range of reasonableness and appears to be presumptively valid, subject
3 only to any objections that may be raised at the final approval hearing and final approval by this
4 Court.

5 4. Plaintiff David Baird is conditionally approved as the Class Representative for the
6 Class.

7 5. The proposed Class Representative Enhancement Payment of \$7,500 payable to
8 Plaintiff David Baird for his services as class representative is conditionally approved.

9 6. Mara Law Firm, PC is conditionally approved as Class Counsel for the Class.

10 7. The proposed awards of up to \$258,307 in attorneys' fees and up to \$30,000 in
11 actual costs payable to Class Counsel are conditionally approved.

12 8. A final approval hearing on the question of whether the settlement, attorneys' fees
13 and costs to Class Counsel, and the Class Representative Enhancement Payment should be finally
14 approved as fair, reasonable and adequate as to Class Members is scheduled in Department S26
15 on the date and time set forth in the Implementation Schedule below.

16 9. The Court confirms Phoenix Settlement Administrators as the Settlement
17 Administrator.

18 10. The proposed payment of no more than \$12,000 in costs to Phoenix Settlement
19 Administrators for its services as the Settlement Administrator is conditionally approved.

20 11. The Court also hereby conditionally approves and orders payment from the Gross
21 Settlement Fund of the PAGA Payment of \$40,000 (75% of which shall be paid to the Labor and
22 Workforce Development Agency, and 25% of which shall become part of the Net Settlement Fund
23 distributable to Settlement Class Members).

24 12. The Court approves, as to form and content, the Notice of Class Action Settlement
25 in substantially the form attached as Exhibit A to the Agreement. The Court approves the procedure
26 for Class Members to participate in, to opt out of, and to object to, the settlement as set forth in the
27 Notice.

28 13. The Court directs the mailing of the Notice of Class Action Settlement by first class
mail to Class Members in accordance with the Implementation Schedule below. The Court finds

1 the dates selected for the mailing and distribution of the notice, as set forth in the Implementation
2 Schedule, meet the requirements of due process and provide the best notice practicable under the
3 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

4 14. To facilitate administration of the settlement pending final approval, the Court
5 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or
6 administrative proceedings (including, but not limited to, filing claims with the Division of Labor
7 Standards Enforcement of the California Department of Industrial Relations) regarding claims
8 released by the Agreement unless and until such Class Members have filed valid Requests for
9 Exclusion with the Settlement Administrator and the time for filing valid Requests for Exclusion
10 with the Settlement Administrator has elapsed. This provision shall not apply to claims not alleged
11 in the Action.

12 **IV. IMPLEMENTATION SCHEDULE**

13 The Court orders the following Implementation Schedule for further proceedings:

14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
	Deadline for Defendant to submit Class Data to Settlement Administrator:		June 15, 2021		[14 calendar days after entry of this Order]									
	Deadline for Settlement Administrator to Mail the Class Notice to Class Members		July 14, 2021		[20 calendar days after receipt of the Class Data]									
	Deadline for the Settlement Administrator to Set Up a Settlement Website		July 14, 2021		[20 calendar days after receipt of the Class Data]									
	Deadline for Class Members to Postmark Requests for Exclusion		September 12, 2021		[60 calendar days after mailing of Notice to Class Members]									
	Deadline for Class Members to Postmark Objections to the Settlement		September 12, 2021		[60 calendar days after mailing of Notice to Class Members]									

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees and Costs, and Class Representative Enhancement Payment	16 court days before Final Approval Hearing
Final Approval Hearing and Final Approval	<u>07/13</u> , 2021, at <u>10:00</u>

IT IS SO ORDERED.

Dated: 6/1/21, 2021

By 
Honorable David Cohn
San Bernardino County Superior Court Judge