

COPY

1 JAY SMITH (CA Bar No. 166105)
js@gslaw.org
2 JOSHUA F. YOUNG (CA Bar No. 232995)
jyoung@gslaw.org
3 MICHAEL D. WEINER (Bar No. 240155)
mweiner@gslaw.org
4 GILBERT & SACKMAN, A LAW CORPORATION
3699 Wilshire Boulevard, Suite 1200
5 Los Angeles, California 90010
Telephone: (323) 938-3000
6 Fax: (323) 937-9139

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAR 26 2021

Sherri R. Carter, Executive Officer/Clerk
By: Stephanie Chung, Deputy

7 SUPERIOR COURT OF CALIFORNIA
8 COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE
9

10 PARKER WRIGHT, ALYSSA GRANT, KEVIN
DOHERTY, and JUSTIN ATKINS,

11
12 Plaintiffs,

13
14 v.
15 ENTERTAINMENT CENTRAL AGENCY, INC
dba Entertainment Central Productions; JEREMY
16 JAMES; SHALISA JAMES; and DOES 1 through
20, inclusive,

17 Defendants.
18

Case No. 18STCV01046

Assigned for All Purposes To:
Honorable Daniel J. Buckley
Spring Street Courthouse - Dept. 1

CLASS ACTION

~~[PROPOSED]~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT, CONDITIONAL
CERTIFICATION, APPROVAL OF CLASS
NOTICE, AND SETTING OF FINAL
APPROVAL HEARING

Date: October 30, 2020
Time: 4:00 pm
Dept: 1
Judge: Daniel J. Buckley

By Fax

Action Filed: October 16, 2018

1 On October 16, 2018, Plaintiffs filed this class-action lawsuit against Defendants in the Superior
2 Court of Los Angeles County, alleging, *inter alia*, misclassification, unpaid overtime, minimum wage
3 violations, and meal and rest period violations. The case was removed by Defendants to the Central District
4 of California on November 29, 2018. On March 27, 2019, following settlement, the case was remanded
5 to the Los Angeles Superior Court. Plaintiffs contend in this action that Defendants misclassified
6 performers as independent contractors instead of employees at its productions in California, including
7 the “Frog Choir” and “Grinchmas” at Universal Studios Hollywood. Defendants deny any liability and
8 contend they complied with all laws.

9 Plaintiff has moved this Court for an order: (1) preliminarily and conditionally certifying the class
10 for purposes of settlement; (2) preliminarily approving the class action settlement; (3) preliminarily
11 appointing Plaintiffs Parker Wright, Alyssa Grant, Kevin Doherty, and Justin Atkins as the Class
12 Representatives for purposes of settlement; (4) preliminarily appointing Gilbert & Sackman, a Law
13 Corporation as class counsel for purposes of settlement; (5) preliminarily approving the application for
14 payment to class counsel of reasonable attorneys’ fees and costs; (6) preliminarily approving the payment
15 of an “enhancement award” to each of the four class representatives; (7) preliminarily approving
16 settlement administration services to be provided by KCC (8) approving the form and content the proposed
17 class notice; (9) directing that the notice of settlement be mailed by first class mail to the Settlement Class
18 members; and (10) scheduling a final fairness approval hearing.

19 No opposition has been filed to plaintiff’s motion, which came for hearing before the Court on
20 October 30, 2020 at 4:00 p.m. Counsel for all parties were present at the hearing.

21 This Court, having considered Plaintiffs’ notice of motion, supporting memorandum of points and
22 authorities and the declarations of counsel, the Settlement Agreement, the proposed Class Notice, and the
23 oral argument presented to the Court, and in recognition of the Court’s duty to make a preliminary
24 determination as to the reasonableness of any proposed class action settlement, and to conduct a fairness
25 hearing as to good faith, fairness, adequacy, and reasonableness of any proposed settlement, HEREBY
26 ORDERS and MAKES DETERMINATIONS as follows:

27 ///

28 ///

1 **ORDER CONDITIONALLY CERTIFYING SETTLEMENT CLASS, AND**
2 **APPOINTING CLASS REPRESENTATIVES AND CLASS COUNSEL**

3 The Court finds that provisional certification of the following class for settlement purposes only
4 is appropriate under Code of Civil Procedure § 382: “All persons in California who worked as performers
5 and were classified as independent contractors by Defendants during the four years preceding the filing
6 of the Complaint” (since October 16, 2014).

7 The Court finds that the Settlement Class meets the ascertainability and numerosity requirements
8 because at least 52 class members have been identified through Defendants’ records. The commonality
9 requirement is also met. In the absence of class certification and settlement, each individual Settlement
10 Class member would be forced to litigate core common issues of law and fact.

11 Because the Plaintiffs’ and Settlement Class members’ claims all arise from the same events and
12 course of conduct, and are based on the same legal theories, the typicality requirement is also satisfied.
13 The adequacy of representation requirement is also met here because the representative plaintiffs have the
14 same interests as all members of the Settlement Class and there is no conflict of interest. Moreover,
15 counsel at Gilbert & Sackman, ALC, is adequate and competent Class Counsel.

16 The Court further finds that common issues predominate over individual issues in the litigation
17 and that class treatment is superior to other means of resolving this dispute. Employing the class device
18 here will not only achieve economies of scale for Settlement Class members with relatively small
19 individual claims but will also conserve the resources of the judicial system by avoiding the waste and
20 delay of repetitive proceedings and prevent the inconsistent adjudications of similar issues and claims.

21 For all of these reasons, the Court ORDERS that the class be conditionally certified for purposes
22 of settlement only.

23 The Court finds that Parker Wright, Alyssa Grant, Kevin Doherty, and Justin Atkins are adequate
24 class representatives and appoints them such. Gilbert & Sackman, ALC, shall be appointed as Class
25 Counsel and shall be responsible for communicating with Class Members where necessary and providing
26 input on substantive and procedural issues during the litigation.

27 ///
28 ///

1 search done prior to mailing; and skip tracing and re-mailing as to any notices that are returned by the post
2 office of such returned notice, to comport with all constitutional requirements, including those of due
3 process, and is the best notice practicable under the circumstances.

4 The Court confirms the selection of Simpluris, Inc., as the Administrator of the settlement claims
5 process, the reasonable costs of which will be paid from the settlement amount.

6 Accordingly, good cause appearing, the Court hereby approves the proposed Class Notice and
7 adopts the following dates and deadlines:

8 9 10 11 12	Within ten (10) calendar days after entry of the Court's Order of Preliminary Approval:	Defendants will produce the Class List and Data to Class Counsel and to the Administrator in a readable Microsoft Excel Spreadsheet which shall include for each Class Member: (1) full name; (2) most recently known mailing address; (3) telephone and cell numbers; (4) email address (to the extent available); (5) Social Security Number; (6) dates of employment; (7) work site(s) where employed during the Class Period; (8) total number of Qualifying Shifts worked during the Class Period.
13 14 15 16 17 18	Within fourteen (14) calendar days after receiving the information from Defendants:	Administrator shall mail the Notice Packet to all Class Members, via first class United States mail, using the most current mailing address. Any Notice Packet returned to the Administrator with a forwarding address shall be immediately re-mailed by the Administrator. The Administrator shall conduct a skip-trace address search for any Class Member's Notice Packet that is returned without a forwarding address and shall, upon obtaining a new or different address, immediately re-mail the Class Member's Notice Packet. It shall be presumed that each and every Class Member whose Notice Packet is not returned to the Administrator as undeliverable within thirty (30) calendar days after mailing has actually received the Notice Packet.
19 20 21	At least thirty-five (35) calendar days before objection deadline:	Claims Administrator to post Motion for Attorneys' Fees and any related filings on the website.
22 23	Within thirty-five (35) calendar days after Class Notice is mailed:	Last day for Class Members to file written objections with the Court or submit a written request for exclusion from the settlement.
24 25	75 calendar days after Order of Preliminary Approval:	Plaintiffs file Motion for Final Approval of Class Action Settlement and Motion for Attorney's Fees and Costs.
26 27	At least 110 calendar days after Order of Preliminary Approval:	Final Approval Hearing.
28	Within seven (7) calendar days after Effective Date:	Initial checks sent to Class Members.

1 2 3	30 calendar days after checks sent to Class Members:	Administrator to send reminder postcard to Class Members who have not cashed checks.
4 5	30 calendar days after checks sent to Class Members:	Administrator Report to be filed with Court.
6	180 calendar days after checks issued:	Checks valid for 180 days after issuance.

FINAL APPROVAL FAIRNESS HEARING

7 The Court hereby grants Plaintiffs' motion to set a hearing for final approval of the Settlement
8 Agreement on 7/21/2021, at 10:30 a.m. in Department 1 of this Court. Members of the
9 Settlement Class who object to the proposed settlement may appear and present such objections at the
10 Final Approval Fairness Hearing in person or by counsel, provided that any objecting Settlement Class
11 members submit a written statement containing the name and address of the objecting Settlement Class
12 member and the basis of that person's objections, together with a notice of the intention to appear, which
13 must be postmarked no later than 35 days from the date on which the Notice is sent out by the
14 Administrator. No person shall be heard, and no briefs or papers shall be received or considered, unless
15 the foregoing documents have been filed and served as provided in this Order and she or he appears at the
16 Final Fairness hearing, except as this Court may permit for good cause shown.

17 Class Counsel shall file a memorandum of points and authorities in support of the final approval
18 of the Settlement Agreement and their request for approval of the attorney's fees and costs no later than
19 16 court days prior to the hearing.

20 IT IS FURTHER ORDERED that, if for any reason the Court does not grant final approval of the
21 Settlement Agreement, all evidence and proceedings held in connection therewith shall be without
22 prejudice to the status quo and the rights of the parties to the litigation as more specifically set forth in the
23 Settlement Agreement.

24
25 IT IS SO ORDERED.

26
27 DATED: March 26, ²⁰²¹~~2020~~

DANIEL J. BUCKLEY

The Honorable Daniel J. Buckley
Los Angeles Superior Court Judge

RECEIVED
MAR 31 2021
By

Gilbert & Sackman
3609 Wilshire Blvd Suite 1200
Los Angeles, CA 90010

9001082732 0045



NEOPOST
FIRST-CLASS MAIL
\$000.50⁰⁰
09/17/2020 ZIP 90242
042L14819412

US POSTAGE