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10 *Attorneys for Plaintiff*  
11 BEATRIZ G. PIMENTEL

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

14 BEATRIZ G. PIMENTEL, individually and as  
15 a private attorney general;

16 Plaintiff,

17 vs.

18 IBH ROME LLC, a Delaware corporation;  
19 IB HOSPITALITY INC., a Delaware  
20 corporation; and DOES 1 through 50, inclusive,  
21 Defendants.

Case No.: 21STCV01656

Assigned for all purposes to Hon. Carolyn B.  
Kuhl, Dept. SSC12

**CLASS ACTION**

**NOTICE OF ENTRY OF ORDER**

Complaint Filed: January 12, 2021  
Trial Date: None Set

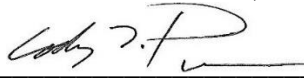
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TO ALL PARTIES, AND THEIR ATTORNEYS OF RECORD: PLEASE TAKE NOTICE that on July 13, 2022, the Honorable Carolyn B. Kuhl entered an Order Granting the Motion for Preliminary Approval of Class Action and PAGA Settlement. The Court set a Hearing on Plaintiff's Motion for Final Approval of Class Action and PAGA Settlement for October 18, 2022 at 10:30 a.m. in Department 12 of the Spring Street Courthouse, located at 312 North Spring Street, Los Angeles, CA 90012.

Attached as **Exhibit A** is a true and correct copy of the Court's Order.

Dated: July 13, 2022

**PAYNE NGUYEN, LLP**

By:   
\_\_\_\_\_  
CODY PAYNE  
KIM NGUYEN  
*Attorneys for Plaintiff*  
BEATRIZ G. PIMENTEL

# **EXHIBIT A**

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6 Attorneys for Plaintiff  
7 BEATRIZ G. PIMENTEL

**FILED**  
Superior Court of California  
County of Los Angeles

07/13/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: L. MGreené Deputy

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11 BEATRIZ G. PIMENTEL, individually and  
12 on behalf of all other members of the general  
13 public similarly situated;

14 Plaintiff,

15 vs.

16 IBH ROME LLC, a Delaware corporation; IB  
17 HOSPITALITY INC., a Delaware  
18 corporation; and DOES 1 through 50,  
19 inclusive,

20 Defendants.

Case No.: 21STCV01656

*Assigned for All Purposes to: Hon. Carolyn B.  
Kuhl, Dept. 12*

21 **[PROPOSED] ORDER GRANTING**  
22 **MOTION FOR PRELIMINARY**  
23 **APPROVAL OF CLASS ACTION AND**  
24 **PAGA SETTLEMENT**

Hearing Date: July 13, 2022

Hearing Time: 10:30 a.m.

Dept: 12

25 Complaint Filed: January 12, 2021

26 Trial Date: None Set

**[PROPOSED] ORDER**

The Motion of Plaintiff Beatriz G. Pimentel (“Plaintiff”) for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) came regularly for hearing before this Court on July 13, 2022. The Court, having considered the proposed Joint Stipulation of Class Action and PAGA Settlement (“Settlement Agreement” or “Settlement”), attached as Exhibit 1 to the Declaration of Cody Payne filed concurrently with the Motion; having considered Plaintiff’s Motion for Preliminary Approval of Class Action and PAGA 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 Agreement 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. All terms used herein shall have the same meaning as defined in the Settlement Agreement. For purposes of the Settlement only, the Court finds that the proposed Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following settlement Class:

All hourly, non-exempt employees employed by Defendants IBH Rome, LLC and IB Hospitality, Inc. (“Defendants”) in the State of California from January 12, 2017, through the date of preliminary approval of the Settlement.

2. For purposes of the Settlement only, the Court designates Plaintiff Beatriz G. Pimental as the Class Representative and designates Cody Payne and Kim Nguyen of Payne Nguyen, LLP as Class Counsel.

3. The Court designates Phoenix Settlement Administrators as the third-party Settlement Administrator.

4. The Parties are ordered to implement the Settlement according to the terms of the Settlement Agreement.

5. The Court approves, as to form and content, the Notice of Class Action Settlement (“Class Notice”) attached as Exhibit A to the Settlement Agreement.

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

9           7.       The Court further approves the procedures for Class Members to opt-out of or  
10 object to the Settlement, as set forth in the Class Notice and the Settlement Agreement. The  
11 procedures and requirements for filing objections in connection with the final fairness hearing are  
12 intended to ensure the efficient administration of justice and the orderly presentation of any Class  
13 Member's objection to the Settlement, in accordance with the due process rights of all Class  
14 Members.

15           8.       The Court directs the Settlement Administrator to mail the Class Notice to the  
16 members of the Class in accordance with the terms of the Settlement.

17           9.       The Class Notice shall provide 60 calendar days' notice for Class Members to  
18 submit disputes, opt-out of, or object to the Settlement.

19           10.      The hearing on Plaintiff's Motion for Final Approval of Settlement on the question  
20 of whether the Settlement should be finally approved as fair, reasonable, and adequate is  
21 scheduled in Department 12 of this Court, located at 312 North Spring Street, Los Angeles,  
22 California 90012, on ~~U&A v. F&C~~ ~~U&A v. F&C~~ ~~U&A v. F&C~~ ~~U&A v. F&C~~ at \_\_\_\_\_ a.m./p.m.

23           11.      At the Final Fairness hearing, the Court will consider: (a) whether the Settlement  
24 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment  
25 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application  
26 for an enhancement payment, settlement administration costs, and Class Counsel's attorney's fees  
27 and costs, should be granted.

1           12. Counsel for the Parties shall file memoranda, declarations, or other statements and  
 2 materials in support of their request for final approval of Plaintiff’s application for an  
 3 enhancement payment, settlement administration costs, Class Counsel’s attorneys’ fees and costs,  
 4 prior to the hearing on Plaintiff’s Motion for Final Approval of Settlement according to the time  
 5 limits set by the Code of Civil Procedure and the California Rules of Court.

6           13. An implementation schedule is below:

| Event   | Date  |
|---|---|
| Defendant to provide class contact information to Settlement Administrator no later than:           | [Redacted]<br>[14 days following preliminary approval]            |
| Settlement Administrator to mail the Class Notice to the Class Members no later than:               | [Redacted]<br>[7 days following provision of contact information] |
| Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement: | [Redacted]<br>[60 days after mailing of the Class Notice]         |
| Deadline for Plaintiff to file Motion for Final Approval of Class Action and PAGA Settlement:       | _____<br>[16 court days prior to the Final Approval Hearing]      |
| Hearing on Motion for Final Approval of Settlement  | U&AFI EOCCEAFKHA  |

22           14. Pending the Final Fairness hearing, all proceedings in this action, other than  
 23 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this  
 24 Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court  
 25 hereby enjoins Plaintiff and all members of the Class from filing or prosecuting any claims, or  
 26 suits regarding claims released by the Settlement, unless and until such Class Members have filed  
 27 valid Requests for Exclusion with the Settlement Administrator.  
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1           15. Counsel for the Parties are hereby authorized to utilize all reasonable procedures  
2 in connection with the administration of the Settlement which are not materially inconsistent with  
3 either this Order or the terms of the Settlement.

4  
5           **IT IS SO ORDERED.**



*Carolyn B. Kuhl*

6  
7 DATED: 07/13/2022

8 By: Carolyn B. Kuhl / Judge  
9 HON. CAROLYN B. KUHL  
10 JUDGE OF THE SUPERIOR COURT  
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