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17 VINCENT COREA

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **COUNTY OF LOS ANGELES – SPRING STREET**

20 VINCENT COREA, individually and on
21 behalf of others similarly situated,

22 Plaintiff,

23 vs.

24 KHRG ARGYLE LLC, a Delaware limited
25 liability company; KIMPTON HOTEL &
26 RESTAURANT GROUP, LLC, a Delaware
27 limited liability company; and DOES 1
28 through 50, inclusive,

Defendants.

VINCENT COREA, individually and on
behalf of other aggrieved employees
pursuant to the California Private Attorneys
General Act;

Plaintiff,

vs.

KHRG ARGYLE LLC, an unknown business
entity; KIMPTON HOTEL &
RESTAURANT GROUP, LLC, an unknown
business entity; and DOES 1 through 100,
inclusive,

Defendants.

FILED
Superior Court of California
County of Los Angeles
08/25/2022

Sherri R. Carter, Executive Officer / Clerk of Court
By: B. Guerrero Deputy

Case Nos.: 20STCV09640 (lead)
20STCV14301

*Assigned for All Purposes to: Hon. Kenneth R.
Freeman, Dept.: 14*

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Hearing Date: August 23, 2022
Time: 11:00 a.m.
Dept.: 14

[PROPOSED] ORDER

The Motion of Plaintiff Vincent Corea (“Plaintiff”) for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) came regularly for hearing before this Court on August 23, 2022. The Court, having considered the proposed Amended Joint Stipulation of Class Action and PAGA Settlement (“Settlement Agreement” or “Settlement”), attached as Exhibit 3 to the Supplemental Declaration of Heather Davis in support of Plaintiff’s 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 current and former non-exempt employees who are or were employed by Kimpton Hotel & Restaurant Group, LLC and/or KHRG Argyle LLC at the following Kimpton-managed California hotels: (1) Everly Hotel; (2) La Peer Hotel; (3) Rowan Palm Springs; (4) Palomar Beverly Hills; (5) Palomar San Diego; (6) Sawyer Hotel; (7) Sir Francis Drake; (8) Buchanan Hotel; (9) Goodland Hotel; (10) Canary Hotel; (11) Hotel Wilshire; (12) Shorebreak Resort; and (13) Solamar Hotel, at any time between March 10, 2016 and the date of preliminary approval of the Settlement.

2. For purposes of the Settlement only, the Court designates Plaintiff Vincent Corea as the Class Representative and designates Heather Davis and Amir Nayebdadash of Protection Law Group, LLP, and Edwin Aiwazian of Lawyers *for* Justice, PC as Class Counsel.

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

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

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

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

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

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

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

23 10. The hearing on Plaintiff’s Motion for Final Approval of Settlement on the question
24 of whether the Settlement should be finally approved as fair, reasonable, and adequate is
25 scheduled in Department 14 of this Court, located at 312 North Spring Street, Los Angeles,
26 California 90012, on February 23, 2023 at 10:00 a.m.

27 11. At the Final Fairness hearing, the Court will consider: (a) whether the Settlement
28 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment

1 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application
2 for an enhancement payment, settlement administration costs, and Class Counsel's attorneys' fees
3 and costs, should be granted.

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

9 13. An implementation schedule is below:

| Event | Date |
|---|---|
| Defendants to provide class contact information to Settlement Administrator no later than: | September 6, 2022 [14 days following preliminary approval] |
| Settlement Administrator to mail the Class Notice to the Class Members no later than: | September 13, 2022 [7 days following provision of contact information] |
| Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement: | November 12, 2022 [60 days after mailing of the Notice] |
| Deadline for Plaintiff to file Motion for Final Approval of Class Action and PAGA Settlement: | January 24, 2023 [30 days before hearing] |
| Hearing on Motion for Final Approval of Settlement | February 23, 2023 at 10:00 a.m. |

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24 14. Pending the Final Fairness hearing, all proceedings in this Action, other than
25 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
26 Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court
27 hereby enjoins Plaintiff and all members of the Class from filing or prosecuting any claims, or
28 suits regarding claims released by the Settlement, unless and until such Class Members have filed

1 valid Requests for Exclusion with the Settlement Administrator.

2 15. Counsel for the Parties are hereby authorized to utilize all reasonable procedures
3 in connection with the administration of the Settlement which are not materially inconsistent with
4 either this Order or the terms of the Settlement.

5
6 **IT IS SO ORDERED.**



A handwritten signature in black ink, appearing to read "K. Freeman".

Kenneth R. Freeman / Judge

8 DATED: 08/25/2022

9 By: _____

Hon. Kenneth R. Freeman
JUDGE OF THE SUPERIOR COURT