

1 David Spivak (SBN 179684)
2 david@spivaklaw.com
3 Caroline Tahmassian (SBN 258680)
4 caroline@spivaklaw.com
5 THE SPIVAK LAW FIRM
6 16530 Ventura Blvd., Suite 203
7 Encino, CA 91436
8 Telephone: (818) 582-3086
9 Facsimile: (818) 582-2561

RECEIVED
LOS ANGELES SUPERIOR COURT

APR 03 2019
S. DREW

FILED
Superior Court of California
County of Los Angeles

JUN 18 2019

Sherri R. Carter, Executive Officer/Clerk
By: [Signature] Deputy
Nali M. Raya

Attorneys for Plaintiff,
ERIC SCHAFLER, and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT
(UNLIMITED JURISDICTION)

ERIC SCHAFLER, on behalf of himself, and all
others similarly situated,

Plaintiff(s),

vs.

LA REINA, INC., a California corporation;
OLD PUEBLO RANCH INC., a California
corporation; and DOES 1 through 50, inclusive,

Defendant(s).

Case No.: BC667533

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Action filed: 07/03/2017
Hearing Date: 04/25/2019
Hearing Time: 10:00 a.m.
Hearing Dept: SSC-9, Hon. Yvette M.
Palazuelos



1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL:

2 The Motion for Preliminary Approval of Class Action Settlement came before this Court,
3 the Honorable ~~Yvette M. Palazuelos~~ ^{Elihu M. Berke} ^{June 15 2019} presiding, on ~~April 25, 2019~~. The Court having considered
4 the papers submitted in support of the Motion, HEREBY ORDERS THE FOLLOWING:

5 1. The following Settlement Class is conditionally certified for purposes of settlement
6 only: All of Defendant's current and former nonexempt hourly employees (collectively "Hourly
7 Employees"), who worked anytime during the Class Period. "Class Period" means the period of
8 time from July 3, 2013, through December 5, 2018. It shall be an opt-out class.

9 2. The Court grants preliminary approval of the Settlement and the Settlement Class
10 based upon the terms set forth in the Joint Stipulation of Class Action Settlement and Release of
11 Claims filed herewith, and finds that the Settlement Class meets the requirements for conditional
12 certification for settlement purposes only under Code of Civil Procedure § 382. Capitalized terms
13 shall have the definitions set forth in the Settlement Stipulation.

14 3. The Settlement appears to be fair, adequate and reasonable to the Settlement Class.
15 The Settlement falls within the range of reasonableness and appears to be presumptively valid,
16 subject only to any objections that may be raised at the final fairness hearing and final approval by
17 this Court.

18 4. Plaintiff Eric Schafler is conditionally approved as the Class Representative for the
19 Settlement Class.

20 ~~5. The proposed enhancement award of \$15,000 payable to Plaintiff for his services
21 as the Class Representative is conditionally approved.~~

22 6. David Spivak of the Spivak Law Firm is conditionally approved Class Counsel for
23 the Settlement Class.

24 ~~7. The proposed awards of up to \$250,000 in attorneys' fees and up to \$15,000 in
25 actual costs payable to Settlement Class Counsel are conditionally approved. The PAGA Payment
26 of \$10,000 is conditionally approved.~~

27 8. A final fairness hearing on the question of whether the Settlement, attorneys' fees
28 and costs to t Class Counsel, and enhancement award to Plaintiff should be finally approved as
fair, reasonable and adequate as to Class Members is scheduled in Department SSC-9 on the date
and time set forth in Paragraph 14.h., below.

9. The Court confirms Phoenix Class Action Administration Solutions as the

1 Settlement Administrator.

2 10. The proposed payment of up to \$15,000.00 in costs to Phoenix Class Action
3 Administration Solutions for its services as the Settlement Administrator is conditionally
4 approved.

5 11. The Court approves, as to form and content, the Notice in substantially the form
6 attached as Exhibit A to the Settlement. The Court approves the procedure for Class Members to
7 participate in, to opt out of, and to object to, the Settlement as set forth in the Notice.

8 12. The Court directs the mailing of the Notice by first class mail to Class Members in
9 accordance with the Implementation Schedule set forth in paragraph 14, below. The Court finds
10 the dates selected for the mailing and distribution of the Notice, as set forth in the Implementation
11 Schedule, meet the requirements of due process and provide the best notice practicable under the
12 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

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

14	a.	Deadline for Defendant to submit Class Member List to Settlement Administrator:	<u>July 3, 2019</u> [30 days after Preliminary Approval Order]
15	b.	Deadline for Settlement Administrator to Mail the Notice to Class Members:	<u>July 19, 2019</u> [14 days after Settlement Administrator's receipt of Class Data List]
16	c.	Deadline for Class Members to Submit Disputes of Total Workweeks to Settlement Administrator:	<u>Sept. 19, 2019</u> [opt-out/objection deadline] [60 calendar days after mailing of Notice to Settlement Class Members]
17	d.	Deadline for Class Members to Postmark Requests for Exclusions	<u>Sept. 19, 2019</u> [opt-out/objection deadline] [60 calendar days after mailing of Notice to Settlement Class Members]



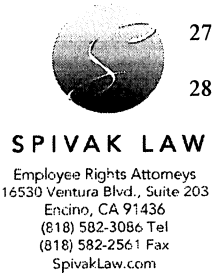
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e.	Deadline for Class Members to Postmark Objections	<u>Sept. 19</u> , 2019 [opt-out/objection deadline] [60 calendar days after mailing of Notice to Settlement Class Members]
f.	Deadline for Class Members ^{Counsel} to File Objections with the Court	<u>Sept 27</u> , 2019 [opt-out/objection deadline] [60 calendar days after mailing of Notice to Settlement Class Members]
g.	Deadline for Class Counsel to file Motion for Final Approval of Class Action Settlement	<u>August 19</u> , 2019 [16 Court days before Final Approval Hearing]
h.	Deadline for Settlement Class Counsel to file Motion for Attorneys' Fees, Costs and Service Payment	<u>August 19</u> , 2019 [16 Court days before Final Approval Hearing]
i.	Final Fairness Hearing and Final Approval	<u>Oct. 21</u> , 2019 <u>9:00</u> a.m.

IT IS SO ORDERED.

Date: June 18, 2019

Honorable ~~Yvette M. Palazuelos~~ Elihu M. Berle
Judge of the Los Angeles Superior Court



1 PROOF OF SERVICE

2
3 State of California,
4 County of Los Angeles

5 1. I am a citizen of the United States and am employed in the County
6 of Los Angeles, State of California. I am over the age of 18 years, and not a
7 party to the within action. My business address is 16530 Ventura Blvd., Suite
8 203, Encino, CA 91436.

9 2. I am familiar with the practice of The Spivak Law Firm, for
10 collection and processing of correspondence for mailing with the United
11 States Postal Service. It is the practice that correspondence is deposited
12 with the United States Postal Service the same day it is submitted for
13 mailing.

14 On Wednesday, April 03, 2019, I caused to have electronically served
15 the following document described as **[PROPOSED] ORDER GRANTING PRELIMINARY**
16 **APPROVAL OF CLASS ACTION SETTLEMENT** with the third-party cloud service listed
17 below. In doing so, notifications of such documents were electronically mailed
18 to the interested parties which appear on the third-party cloud service's
19 service list in this action as follows:

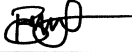
20 **Marie D. DiSante, Esq**
21 **Daphne P. Bishop, Esq.**
22 **CAROTHERS DISANTE & FREUDENBERGER LLP**
23 **707 Wilshire Boulevard, Suite 5150**
24 **Los Angeles, California 90017**
25 **mdisante@cflaborlaw.com**
26 **dbishop@cflaborlaw.com**

27 XXXX (BY ELECTRONIC SERVICE) Based on a court order or an agreement of the
28 parties to accept electronic service, I caused the documents to be sent to
the persons at the electronic service addresses listed above via third-party
cloud service **CASE ANYWHERE**.

EXECUTED on Wednesday, April 03, 2019, at Encino, California.

XXXX (State) I declare under penalty of perjury under the laws of the State
of California that the above is true and correct.

____ (Federal) I declare that I am employed in the office of a member of the
bar of this court at whose direction the service was made.

24
25 
26 _____
27 BRECK OYAMA
28