

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 7

BC603620

**ELNORA T TAGALOGON VS THE CHEESECAKE
FACTORY RESTAURANTS INC**

June 26, 2020

10:00 AM

Judge: Honorable Amy D. Hogue
Judicial Assistant: A. Morales
Courtroom Assistant: T. Bivins

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Hearing on Motion for Preliminary Approval of Settlement

The matter is called for hearing.

The parties have been previously provided with the Court's tentative ruling and have submitted on the matter.

The Motion for Preliminary Approval of Settlement filed by Elnora T. Tagalogon on 09/16/2019 is Granted.

The Amended Order Granting Preliminary Approval of Class Action Settlement is signed and filed this date.

Fairness Hearing (Final) is scheduled for 11/02/2020 at 11:00 AM in Department 7 at Spring Street Courthouse.

The Clerk is to give notice. Clerk's Certificate of Service By Electronic Service is attached.

SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012		FILED Superior Court of California County of Los Angeles 06/26/2020 <small>Sherri R. Carter, Executive Officer / Clerk of Court</small> By: <u> A. Morales </u> Deputy
PLAINTIFF: Elnora T. Tagalogon		
DEFENDANT: Cheesecake Factory Restaurant, Inc., The		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: BC603620

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Minute Order entered herein, on 06/26/2020, upon each party or counsel of record in the above entitled action, by electronically serving the document(s) on Case Anywhere at secure.caseanywhere.com on 06/26/2020 from my place of business, Spring Street Courthouse 312 North Spring Street, Los Angeles, CA 90012 in accordance with standard court practices.

Sherri R. Carter, Executive Officer / Clerk of Court

Dated: 06/26/2020

By: A. Morales
Deputy Clerk

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2 Paul M. Yi, Esq. SBN 207867
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FILED
Superior Court of California
County of Los Angeles

JUN 26 2020

Sherri R. Carr, Clerk
By Alfredo Morales deputy
ALFREDO MORALES

5 Attorneys for Plaintiff and the Class
6 [Additional Plaintiff's Counsel on Nex Page]

7 Arthur Chinski (SBN: 48945)
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LOS ANGELES SUPERIOR COURT
MAR 09 2020
S. DREW

11 Attorneys for Defendant
12 THE CHEESECAKE FACTORY RESTAURANTS, INC.

13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF LOS ANGELES**

16 ELNORA T. TAGALOGON, as an individual
17 and on behalf of all others similarly situated,

18 Plaintiff,

19 vs.

20 THE CHEESECAKE FACTORY
21 RESTAURANTS, INC.,
22 a California Corporation,
23 and DOES 1 through 100, inclusive,

24 Defendants.

CASE NO. BC603620

*Assigned for All Purposes to Honorable Amy
D. Hogue in Department 7*

**~~PROPOSED~~ AMENDED ORDER
GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

DATE: JUNE 26, March 25, 2020
TIME: 10:00 a.m.
DEPT.: 7

**~~PROPOSED~~ AMENDED ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

1 Larry W. Lee (State Bar No. 228175)
2 DIVERSITY LAW GROUP, P.C.
3 A Professional Corporation
4 515 S. Figueroa St., Suite 1250
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13 Attorneys for Plaintiff and the Class
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1 The Motion for Preliminary Approval of the Parties' Amended Joint Stipulation of Class
2 Action Settlement and Release came before this Court, on March 25, 2020. The Court, having
3 considered the Motion, and all supporting legal authorities and documents, and good cause
4 appearing, HEREBY ORDERS THE FOLLOWING:

5 **1. Preliminary Approval.** The Court grants preliminary approval of the Settlement
6 and finds the terms to be within the range of reasonableness of a settlement that ultimately could
7 be granted approval by the Court at the final Fairness Hearing.

8 **2. Certification.** For purposes of the settlement, the Court finds that the proposed
9 settlement class is ascertainable and that there is a sufficiently well-defined community of interest
10 among the Class in questions of law and fact. Therefore, for settlement purposes only, the Court
11 grants conditional certification of the following Settlement Class defined as follows:

12 The approximately 235 employees of Defendant employed in the job
13 positions entitled "kitchen manager" or "Manager" who worked for
14 Defendant in California during period December 10, 2011 through
15 (date of preliminary approval order) and who because of their dates
of employment and/or position have been identified by Defendant as
Kitchen Managers or Managers who did not sign arbitration
agreement containing a class waiver position.

16 **3. Class Representatives.** For settlement purposes only, the Court designates named
17 Plaintiff Elnora T. Tagalogon as Class Representative.

18 **4. Class Counsel.** For settlement purposes only, the Court designates the law firm of
19 Diversity Law Group, P.C., Law Offices of Choi & Associates and the Lee Offices, APC as Class
20 Counsel.

21 **5. Administrator.** The Court confirms Phoenix Class Action Administration
22 Solutions as the Administrator.

23 **6. Notice Packets.** The Court approves, as to form and content, the proposed Notice
24 Packets and directs their mailing in accordance with the terms of the Settlement. The Court finds
25 that the forms of notice to the Settlement Class regarding the pendency of the action and of this
26 Settlement, and the methods of giving notice to members of the Settlement Class, are adequate.
27 The form and methods constitute the best notice practicable under the circumstances and constitute
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1 valid, due, and sufficient notice to all members of the Settlement Class. They comply fully with the
2 requirements of California Code of Civil Procedure section 382, California Civil Code section
3 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
4 and other applicable law.

5 **7. Final Fairness Hearing.** A final fairness hearing on the question of whether the
6 proposed Settlement should be finally approved as fair, reasonable, and adequate as to the members
7 of the Settlement Class is scheduled in Department 7 in the above referenced Court on
8 Nov. 2, 2020 [date], at 11:00 a.m. [time]. The Fairness Hearing and related prior deadlines
9 set forth above may, from time to time and without further notice to the Settlement Class (except
10 those who have filed timely and valid objections), be continued or adjourned by Order of the Court.

11 **8. Deadlines.** The Court approves the deadlines set forth in the Settlement and orders
12 the Parties to effectuate the terms of the Settlement within those deadlines.

13 **9. Participation, Requests for Exclusions, and Objections.** The Court further
14 approves the procedures set forth in the Settlement for Class Members to participate in, opt out of,
15 or object to the Settlement.

16 **10. Stay of Proceedings.** Pending the Fairness Hearing, all proceedings in this action,
17 other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement
18 and this Order, are stayed.

19 **11. Effectuate Settlement.** Counsel for the parties are hereby authorized to utilize all
20 reasonable procedures in connection with the administration of the settlement which are not
21 materially inconsistent with either this Order or the terms of the Settlement Agreement.

22 **12. Additional Claims.** To facilitate administration of the Settlement pending final
23 approval, effective upon mailing of the Notice Packets, the Court hereby enjoins all Class Members
24 from filing or prosecuting any claims, suits or administrative proceedings regarding claims released
25 by the Settlement unless and until such Class Members have submitted valid requests for exclusion
26 with the Administrator.

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13. Unclaimed Funds. Pursuant to amended California Code of Civil Procedure Section 384, the Court determines that it is in the best interest of class members who do not receive their pro rata share of the Settlement to have their share of the settlement escheat to the unpaid property fund administrated by the California State Controller's Office, or if the class member no longer resides in California in accordance with the escheat laws of the state involved.

IT IS SO ORDERED.

Dated: 6/26/2020



Honorable Amy D. Hogue
Los Angeles Superior Court Judge