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Attorneys for Plaintiff and the Putative Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

ANDREW PEASE, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

WATTRANS, INC., a California Corporation;
and DOES 1 through 10, inclusive,

Defendants.

CASE NO.: CIVDS1919832

~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR:

(1) PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT;

(2) APPROVAL OF NOTICE TO CLASS
MEMBERS AND RELATED
MATERIALS;

(3) APPROVAL OF SETTLEMENT
ADMINISTRATOR; AND

(4) SETTING HEARING FOR FINAL
APPROVAL OF SETTLEMENT

Date: January 6, 2021

Time: 9:00 am

Dept.: S-27

Judge: Hon. Thomas Garza

Complaint Filed: July 8, 2019

Trial Date: Not yet set.

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JAN 06 2021

BY Sulma Torres
SULMA TORRES, DEPUTY

1 Plaintiff's unopposed Motion for Preliminary Approval of a Class Action Settlement
2 came before this Court, on January 6, 2021, the Honorable Thomas S. Garza presiding. The
3 Court having considered the papers submitted in support of the application of the parties,
4 HEREBY ORDERS THE FOLLOWING:

5 1. The Court grants preliminary approval of the Settlement and the Settlement Class
6 based upon the terms set forth in the Class Action Settlement Agreement ("Settlement
7 Agreement") attached as **Exhibit 1** to the Declaration of Jonathan Melmed in support of
8 Plaintiff's Motion for Preliminary Approval of Class Action Settlement ("Motion"). All terms
9 used herein shall have the same meaning as defined in the Settlement Agreement. The
10 settlement set forth in the Settlement Agreement appears to be fair, adequate, and reasonable to
11 the Class.

12 2. The terms of the Settlement Agreement appear to be fair, adequate, and
13 reasonable to the Class.

14 3. This Court has considered the papers in support of the Motion and the Settlement
15 Agreement and finds that, pursuant to C.R.C. Rule 3.769(d), the proposed Class should be
16 certified for settlement purposes only. Specifically, the Court finds that the proposed Class: (a)
17 is ascertainable; (b) is sufficiently numerous; (c) meets the commonality requirements; (d) the
18 claims of the Class Representative is typical of the claims of the proposed Class Members; (e)
19 Class Representative's counsel has and is able to adequately represent the proposed Class; (f)
20 the Class Representative is adequate to represent the Class; and (g) class-wide treatment of this
21 dispute is superior to individual litigation because common issues predominate over individual
22 issues for settlement purposes. Therefore, the Court certifies for settlement purposes the
23 Settlement Class defined as follows: *All current and former drivers who were employed by*
24 *Defendant in California, at any time during the Class Period, from July 8, 2015 through July 8,*
25 *2019.*

26 4. The Settlement falls within the range of reasonableness and appears to be
27 presumptively valid, subject only to any objections that may be raised at the final fairness
28 hearing and final approval by this Court.

1 5. A final fairness hearing on the question of whether the proposed Settlement,
2 attorneys' fees and costs to Class Counsel, and the Class Representative's Enhancement Award
3 should be finally approved as fair, reasonable and adequate as to the members of the Class is
4 scheduled in Department S-27 on the date and time set forth in the Implementation Schedule
5 below.

6 6. This Court approves, as to form and content, the Notice of Proposed Class
7 Action Settlement and Hearing Date for Court Approval ("Class Notice"), in substantially the
8 form attached to the Settlement Agreement as **Exhibit A**. The Court approves the procedure for
9 Class Members to participate in, to opt out of, and to object to, the Settlement as set forth in the
10 Settlement Agreement.

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

16 8. The Court confirms Plaintiff Andrew Pease as Class Representative. The Court
17 further finds that Jonathan Melmed of Melmed Law Group P.C. and Mehrdad Bokhour of
18 Bokhour Law Group, P.C. are adequate Class Counsel with extensive experience in similar
19 class action litigation.

20 9. The Court appoints Phoenix Class Action Settlement Administrators as the
21 Settlement Administrator.

22 10. To facilitate administration of the Settlement pending final approval, the Court
23 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or
24 administrative proceedings (including filing claims with the Division of Labor Standards
25 Enforcement of the California Department of Industrial Relations) regarding claims released by
26 the Settlement, unless and until such Class Members have filed valid Requests for Exclusion
27 with the Settlement Administrator and the time for filing claims with the Settlement
28 Administrator has elapsed.

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

a.	Deadline for Defendant to Submit Class Member Names, Social Security Numbers, and Contact Information ("Class Data") to the Settlement Administrator	[Within twenty (20) days after entry of the Preliminary Order]
b.	Deadline for Settlement Administrator to Mail Notice to Class Members	[Within ten (10) calendar days following Settlement Administrator's receipt of the Class Data]
c.	Deadline for Class Members to Dispute the Number of Weeks Worked	[Within forty-five (45) calendar days after mailing of the Class Notice]
d.	Deadline for Class Members to Postmark Requests for Exclusion	[Within forty-five (45) calendar days after mailing of the Class Notice]
e.	Deadline for Class Members to submit any Objections to Settlement	[Within forty-five (45) calendar days after mailing of the Class Notice]
f.	Deadline for Settlement Administrator to provide Declaration of Due Diligence	[At least twenty-five (25) days prior to the Final Approval Hearing]
g.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days prior to Final Approval and Fairness Hearing]
h.	Final Approval and Fairness Hearing	<u>May 3</u> , 2021 at <u>8:30</u> <u>a.m./p.m.</u> in Dept. S-27
i.	Deadline for Defendant to fund the first installment of the Gross Settlement Amount in the amount of \$25,000.00	on or before August 31, 2020
j.	Deadline for Defendant to fund the second installment of the Gross Settlement Amount in the amount of \$25,000.00	on or before December 31, 2020
k.	Deadline for Defendant to fund the third installment of the Gross Settlement Amount in the amount of \$25,000.00	on or before March 30, 2021

