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

**JAN 07 2021**

**RECEIVED**  
LOS ANGELES SUPERIOR COURT

**DEC 29 2020**

**S. DREW**

Sherri R. Carter, Executive Officer/Clerk  
By Stephanie Chung Deputy

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

JOSE ALVARADO GARCIA and CARLOS  
MIRANDA, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

v.

SWISSPORT SA, LLC, a Delaware Limited  
Liability Corporation; and DOES 1 through  
100, inclusive,

Defendants.

Case No.: BC716020

Hon. Daniel Buckley, Dept. 1

CLASS ACTION

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFFS' FIRST AMENDED MOTION  
FOR PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Date: January 7, 2021  
Time: 10:30 a.m.  
Dept.: SSC-1

Action Filed: August 3, 2018  
Trial date: Not set

**BY FAX**

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Plaintiffs JOSE ALVARADO GARCIA and CARLOS MIRANDA ("Plaintiffs") and Defendant  
3 SWISSPORT SA, LLC ("Defendant") have reached terms of settlement for a putative class action.

4 Plaintiffs have filed an amended motion for preliminary approval of a class action settlement of the  
5 claims asserted against Defendant in this action, memorialized in the JOINT STIPULATION AND  
6 SETTLEMENT AGREEMENT (*see* First Amended Declaration of Andranik Tsarukyan In Support of  
7 Plaintiffs' Motion for Preliminary Approval of Class Action Settlement ["Tsarukyan Decl."], at Exh. 1).  
8 The STIPULATION AND SETTLEMENT AGREEMENT is referred to herein as the "Agreement" or  
9 "Settlement."

10 After reviewing the Agreement, the Notice process, and other related documents, and having heard  
11 the argument of Counsel for respective parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

12 1. The Court preliminarily finds that the terms of the proposed class action Settlement are fair,  
13 reasonable, and adequate, pursuant to California Code of Civil Procedure § 382. In granting final approval  
14 of the class action settlement the Court has considered the factors identified in *Dunk v. Ford Motor Co.*, 48  
15 Cal. App. 4th 1794 (1996), as approved in *Wershba v. Apple Computer, Inc.*, 91 Cal. App. 4th 224 (2001)  
16 and *In re Microsoft IV Cases*, 135 Cal. App. 4th 706 (2006).

17 2. The Court finds that the Settlement has been reached as a result of intensive, serious and  
18 non-collusive arms-length negotiations. The Court further finds that the parties have conducted thorough  
19 investigation and research, and the attorneys for the parties are able to reasonably evaluate their respective  
20 positions. The Court also finds that settlement at this time will avoid additional substantial costs, as well as  
21 avoid the delay and risks that would be presented by the further prosecution of the action. The Court finds  
22 that the risks of further prosecution are substantial.

23 3. The parties' Settlement is granted preliminary approval as it meets the criteria for  
24 preliminary settlement approval. The Court finds that it is appropriate to notify the members of the proposed  
25 settlement Class of the terms of the proposed settlement.

26 4. The parties' proposed notice plan is constitutionally sound because individual notices will  
27 be mailed to all Class Members whose identities are known to the parties, and such notice is the best notice  
28 practicable. The parties' proposed Class Notice (Declaration of Andranik, Exhibit A to Exhibit 1) is

1 sufficient to inform Class Members of the terms of the Settlement, their rights under the settlement, their  
2 rights to object to the Settlement, their right to receive a payment under the settlement or elect not to  
3 participate in the settlement, and the processes for doing so, and the date and location of the final approval  
4 hearing and are therefore approved.

5 5. The following persons are certified as Class Members solely for the purpose of entering a  
6 settlement in this matter:

7 6. (1) all ramp agents employed by Defendant at Los Angeles International Airport ("LAX")  
8 who signed arbitration agreements for the period of August 8, 2017 to December 1, 2017; (2) all ramp  
9 agents employed by Defendant at LAX terminals 5 and 6 and/or Tom Bradley International Terminal  
10 ("TBIT") who did not sign arbitration agreements for the period of August 3, 2014 to December 1, 2017;  
11 and (3) those terminal 5 and terminal 6 ramp agents employed by Defendant who transitioned into working  
12 as ramp agents at TBIT at LAX for the period of December 1, 2017, to December 31, 2018.

13 7. Plaintiffs JOSE ALVARADO GARCIA and CARLOS MIRANDA are appointed the Class  
14 Representatives. The Court finds Plaintiffs' counsel are adequate, as they are experienced in wage and hour  
15 class action litigation and have no conflicts of interest with absent Settlement Class Members, and that they  
16 adequately represented the interests of absent class members in the Litigation. Andranik Tsarukyan and  
17 Armen Zenjiryan of Remedy Law Group LLP and Mark Balali and Shideh Balali of Balali Law are  
18 appointed Class Counsel.

19 8. The Court appoints Phoenix Settlement Administrators to act as the Settlement  
20 Administrator, pursuant to the terms set forth in the Agreement.

21 9. Class Members will be bound by the Agreement unless they submit a timely and valid  
22 written request to be excluded from the Settlement within 60 calendar days after mailing of the Class Notice  
23 by Defendant or in accordance with the terms of the Agreement.

24 10. Any Exclusion Form shall be submitted to the Settlement Administrator rather than filed  
25 with the Court. Class members are not required to send copies of the Exclusion Form to counsel. The  
26 Settlement Administrator shall file a declaration concurrently with the filing of any motion for final  
27 approval, authenticating a copy of every Exclusion Form received by the administrator.  
28

1 11. Prior to the Final Approval Hearing, Plaintiff shall file a motion for final approval of the  
2 settlement.

3 12. Defendant is directed to provide the Settlement Administrator the names and most recent  
4 known mailing addresses of Settlement Class Members, and any other information required in accordance  
5 with the Agreement.

6 13. The Settlement Administrator is directed to mail the approved Class Notice by first-class  
7 mail to the Class Members in accordance with the Agreement.

8 14. A final approval hearing will be held on June 2, 2021, at  
9 10:30 am, in Department SSC-1, to determine whether the settlement should be granted final approval  
10 as fair, reasonable, and adequate as to the Class Members. At that time, the Court will hear all evidence  
11 and arguments necessary to evaluate the Settlement. Class Members and their counsel may support or  
12 oppose the Settlement, if they so desire, in accordance with the procedures set forth in the Class Notice and  
13 this Order.

14 15. As set forth in the Notice, any Class Member may appear at the final approval hearing in  
15 person or by his or her own attorney and show cause why the Court should not approve the settlement, or  
16 object to the motion for awards of the Class Representative Enhancement Award and Attorney's Fees and  
17 Costs. For any written comments or objections to be considered at the hearing, the Class Member must  
18 submit a written objection in accordance with the deadlines set forth in the Class Notice, or as otherwise  
19 permitted by the Court.

20 16. Any written objection shall be submitted to the Settlement Administrator rather than filed  
21 with the Court. Class member are not required to send copies of the Objection Form to counsel. The  
22 Settlement Administrator shall file a declaration concurrently with the filing of any motion for final  
23 approval, authenticating a copy of every Objection Form received by the administrator.

24 17. The Court reserves the right to continue the date of the final approval hearing without further  
25 notice to Class Members.

26 18. Class Counsel shall give notice to any objecting party of any continuance of the hearing of  
27 the motion for final approval.  
28

19. The Court retains jurisdiction to consider all further applications arising out of or in connection with the settlement.

**IT IS SO ORDERED.**

Dated:

Jan 7, 2021

Hon. Daniel Buckley  
Los Angeles County Superior Court Judge

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 610 E. Providencia Ave., Unit B, Burbank, CA 91501.

On the date executed below, I electronically served the document via Case Anywhere described as described as: **[PROPOSED] ORDER GRANTING PLAINTIFFS' FIRST AMENDED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the recipients designated on the Case Anywhere website and listed below:

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Facsimile: 424.465.6630

Attorneys for Defendants  
SWISSPORT SA, LLC

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed December 28, 2020 at Burbank, California.

*Andy Tsarukyan*

Andranik Tsarukyan