



JAN 04 2021

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14 MEGAN MARIE ZUZEVICH

VENTURA
SUPERIOR COURT
FILED

FEB 03 2021

MICHAEL D. PLANET
Executive Officer and Clerk
BY: *[Signature]*, Deputy
MIRIAM HERNANDEZ

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF VENTURA, HALL OF JUSTICE COURTHOUSE

17 MEGAN MARIE ZUZEVICH, as an
18 individual and on behalf of others similarly
19 situated,

20 Plaintiff,

21 vs.

22 MISSION OAKS COUNSELING AND
23 WELLNESS CENTER, INC., a California
24 corporation; TRISTEN VANCE
25 HENDERSON, an individual; MICHELLE
26 CHRISTINE WONDERS, an individual; and
27 DOES 1 through 50, inclusive,

28 Defendants.

CLASS ACTION

Case No. 56-2019-00537478-CU-OE-VTA
Hon. Matthew P. Guasco
Dept. 20

~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Reservation # 2538982

Hearing Date: Jan. 20, 2021
Hearing Time: 8:30 a.m.

[Filed concurrently with Notice and Motion for
Preliminary Approval; Declaration of Eric
Boyajian, Esq.]

Complaint Filed: Dec. 18, 2019
FAC Filed: March 2, 2020

February 3, 2021

1 On ~~Jan. 20, 2021~~, the Motion for Preliminary Approval (“MPA”) of Class Action
2 Settlement filed by the Plaintiff in the above-entitled matter was heard in Department 20 of the
3 above-captioned Court, the Honorable Matthew P. Guasco presiding.

4 The Court, having fully reviewed the MPA, the supporting Points and Authorities, and
5 the declaration filed in support thereof, including the Settlement Agreement and the proposed
6 Notice of Class Action Settlement which are attached as exhibits to the Boyajian Declaration;
7 and having carefully analyzed the Settlement Agreement and the proposed Notice of Class
8 Action Settlement, and in recognition of the Court’s duty to make a preliminary determination as
9 to the reasonableness of any proposed class action settlement, and if preliminarily determined to
10 be reasonable, to ensure proper notice is provided to Class Members in accordance with due
11 process requirements; and to set a Final Fairness Hearing to consider the proposed Settlement as
12 to the good faith, fairness, adequacy and reasonableness of any proposed settlement, **THE**
13 **COURT HEREBY MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:**

14 1. Terms and phrases used in this Order shall have the same meaning as ascribed to
15 them in the Class Action Settlement Agreement and Release of Claims (“Agreement” or
16 “Settlement”).

17 2. The Court finds on a preliminary basis that the Settlement (attached hereto as
18 **Exhibit 1**) and the Notice of Class Action Settlement (attached as Exhibit A to the Agreement)
19 appear to be within the range of reasonableness of a settlement which could ultimately be given
20 final approval by this Court. The Court notes that Defendants Mission Oaks Counseling and
21 Wellness Center, Inc., Tristen Vance Henderson, and Michelle Christine Wonders (collectively,
22 “Defendants”) have agreed to pay the Gross Settlement Amount of \$246,700, out of which
23 Defendants will pay the Court-approved attorneys’ fees and costs, Class Representative Service
24 Awards, payment to the California Labor and Workforce Development Agency, the Settlement
25 Administrator’s expenses, and the payments to each individual Class Member.

26 3. It appears to the Court on a preliminary basis that the terms of the Settlement are
27 within the range of reasonableness that ultimately could be granted approval by the Court at the
28 Final Fairness Hearing, when balanced against the probable outcome of further litigation relating

1 to class certification, decertification, liability and damages issues and potential appeals; it further
2 appears that sufficient discovery, investigation, research, and litigation have been conducted such
3 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
4 it further appears that settlement at this time will avoid substantial costs, delay and risks that
5 would be presented by the further prosecution of the litigation; it further appears that the
6 proposed Settlement has been reached as the result of intensive, serious and non-collusive
7 negotiations between the parties, through the use of a mediator; it further appears that for
8 purposes of the Settlement, the proposed Class is ascertainable and there is a sufficiently well-
9 defined community of interest among the class in questions of law and fact;

10 4. Accordingly, good cause appearing, Plaintiffs' MPA is hereby **GRANTED**. As
11 such, the Court hereby accepts and incorporates the parties' Settlement and orders that the Class
12 be **conditionally certified** for settlement purposes pursuant to the terms contained in said
13 Agreement.

14 5. The Court finds that the Notice of Class Action Settlement fairly and adequately
15 advises Class Members of the following: the pendency of the Class Action; the certification of
16 the Class for settlement purposes; preliminary Court approval of the proposed Settlement; the
17 date of the Final Fairness Hearing; the terms of the proposed Settlement and the benefits
18 available to Class Members thereunder; Class Members' rights to opt-out, or to object, and the
19 procedures for exercising those rights; and the Class Members' rights to submit documentation
20 in opposition to the proposed Settlement. The Court further finds that said Notice of Class Action
21 Settlement comports with all constitutional requirements, including those of due process;

22 6. Accordingly, good cause appearing, the Court hereby **APPROVES** the Notice of
23 Class Action Settlement as attached hereto as Exhibit A of Exhibit 1.

24 7. The mailing to the addresses of Class Members as specifically described within
25 the Agreement constitutes an effective method of notifying Class Members of their rights with
26 respect to the Class Action and Settlement;

27 Accordingly, it is hereby **ORDERED**:

28 a. Phoenix Settlement Administrators is the Settlement Administrator;

- 1 b. Plaintiff Megan Marie Zuzevich is the Class Representatives;
- 2 c. The Service Awards of \$3,000 to Plaintiff is preliminarily approved;
- 3 d. Eric A. Boyajian, Esq. from the Law Offices of Eric A. Boyajian APC,
- 4 and Nareg S. Kitsinian, Esq. from the Kitsinian Law Firm are hereby appointed as Class
- 5 Counsel;
- 6 e. The request for Class Counsel's attorneys' fees and costs as sought in the
- 7 MPA is preliminarily approved;
- 8 f. The PAGA Penalties are approved;
- 9 g. The Settlement Administrator's fee is preliminarily approved;
- 10 h. Within seven (7) calendar days after the date this Order is signed by the
- 11 Court, Defendants shall provide the Settlement Administrator with the Class List;
- 12 i. Within seven (7) calendar days of receiving the Class List, the Settlement
- 13 Administrator shall mail the Notice of Class Action Settlement to Class Members by U.S. First
- 14 Class Mail;
- 15 j. The response deadline is 30 days after the date of mailing of the Notice of
- 16 Class Action Settlement by the Settlement Administrator;
- 17 k. Within seven (7) calendar days of the Response Deadline, the Settlement
- 18 Administrator shall provide a Class Notice Report to Class Counsel and Defense Counsel;
- 19 l. On May 21 2021 at 8:20 am, at the
- 20 above-captioned court, this Court will hold a Final Fairness Hearing to consider the fairness,
- 21 adequacy and reasonableness of the proposed Settlement preliminarily approved by this Order,
- 22 including Class Counsel's request for an award of reasonable attorney's fees and costs, the
- 23 Service Award to Plaintiff, and the Settlement Administrator's Fee;
- 24 m. Class Counsel's request for final approval of the settlement and all related
- 25 papers shall be filed by April 23, 2021.
- 26 n. Counsel for the Parties are hereby authorized to utilize all reasonable
- 27 procedures in connection with the administration of the Settlement which are not materially
- 28 inconsistent with either this Order or the terms of the Settlement;

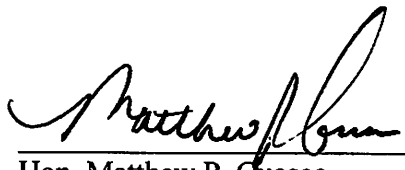
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o. Pending further order of this Court, all proceeding in this matter, except those contemplated herein and in the Settlement, are **STAYED**.

p. The Court expressly reserves the right to adjourn or continue the Final Fairness hearing from time to time without further notice to the Class Members.

IT IS SO ORDERED.

DATED: FEB 03 2021, 2021



Hon. Matthew P. Guasco
Judge of the Superior Court