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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MAR 09 2021

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
FOR THE COUNTY OF ORANGE

14 ALEJANDRO ZAMARRIPA, individually, and
15 on behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 SUPERIOR TALENT RESOURCES, INC., a
19 corporation; and DOES 1 through 50, inclusive,

20 Defendants.

Case No.: 30-2019-01060339

[Hon. Kirk H. Nakamura]

**~~REVISED PROPOSED~~ PRELIMINARY
APPROVAL ORDER**

Date: February 25, 2021
Time: 2:00 p.m.
Dept.: CX101

Action Filed: March 29, 2019
Trial Date: None Set

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2 ~~REVISED-PROPOSED~~ PRELIMINARY APPROVAL ORDER

3 The Court has before it Plaintiff's unopposed Motion for Preliminary Approval of Class Action
4 Settlement ("Motion").

5 On August 3, 2020, Plaintiff filed a brief in support of his Motion, along with the Class Action
6 Settlement Agreement and Release and a declaration of counsel in support.

7 On October 1, 2020, the Court issued a Tentative Order informing the Parties of several concerns
8 it had with the Settlement and requesting additional information regarding the Settlement. On November
9 10, 2020, Plaintiff filed a supplemental brief in support of the Motion, along with a supplemental
10 declaration of counsel, a declaration from the Settlement Administrator, and an Amended Class Action
11 Settlement Agreement and Release executed on November 9, 2020 ("Amended Settlement Agreement")¹.
12 The Amended Settlement Agreement (ROA 101) is the operative settlement agreement.

13 On November 20, 2020, the Court issued another Tentative Order requesting additional
14 information and evidence regarding the Motion. On November 23, 2020, Plaintiff filed a second
15 supplemental declaration of counsel, responding to the information requested by the Court.

16 On January 28, 2021, the Court issued another Tentative Order requesting additional information
17 and evidence regarding the Motion. On February 8, 2021, Plaintiff filed a third supplemental declaration
18 of counsel, responding to the information requested by the Court.

19 Having considered these documents, and good cause appearing therefore, the Court hereby finds
20 and orders as follows:

21 1. The Court finds on a preliminary basis that the settlement memorialized in the Amended
22 Settlement Agreement appears to be fair and adequate, and falls within the range of reasonableness, and
23 therefore meets the requirement for preliminary approval.

24 2. The Court conditionally certifies for settlement purposes the following Class:

25 All non-exempt employees of Defendant who worked for Defendant in California during the time
26 period of March 29, 2015 through July 29, 2020.

27
28 ¹ All capitalized terms have the same meaning as defined in the Amended Settlement Agreement unless
otherwise indicated.

1 3. The Court finds, for settlement purposes, that the Class meets the requirements for
2 certification under California Code of Civil Procedure § 382 in that: (a) the Class is so numerous that
3 joinder is impractical; (b) there are questions of law and fact that are common, or of general interest, to
4 the Class, which predominate over any individual issues; (c) Plaintiff's claims are typical of the claims of
5 the Class; (d) Plaintiff and Plaintiff's counsel will fairly and adequately protect the interests of the Class;
6 and (e) a class action is superior to other available methods for the fair and efficient adjudication of the
7 controversy.

8 4. The Court appoints, for settlement purposes, Plaintiff Alejandro Zamarripa as
9 representative for the Class.

10 5. The Court appoints, for settlement purposes, the Wand Law Firm, P.C. and the Law Office
11 of Scott E. Wheeler, as Counsel for the Class.

12 6. The Court appoints Phoenix Settlement Administrators as the Settlement Administrator.

13 7. The Parties are ordered to carry out the Settlement according to the following
14 implementation schedule:

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	March 17, 2021
Last day for Settlement Administrator to mail Notice Packet	March 31, 2021
Last day for Class Members to submit a dispute, Request for Exclusion, or Objection	June 1, 2021
Last Day to file Motion for Final Approval and Motion for Attorneys' Fees and Costs and Class Representative Service Award	June 17, 2021
Final Approval Hearing	July 1, 2021 at 2:00 p.m.

24 8. The Court approves as to form and content the Notice of Class Settlement, the Objection
25 Form, and the Exclusion Form, which are collectively referred to as the Notice Packet. *See* Amended
26 Settlement Agreement ¶ 20. The Notice Packet is attached hereto as Exhibit A.

1 9. The Amended Settlement Agreement is not a concession or admission and shall not be
2 used against Defendant as an admission or indication with respect to any claim of any fault or omission
3 by Defendant. Whether or not the Amended Settlement Agreement is finally approved, neither the
4 Amended Settlement Agreement, nor any document, statement, proceeding or conduct related to the
5 Amended Settlement Agreement, nor any reports or accounts thereof, shall in any event be construed as,
6 offered or admitted into evidence as, received as or deemed to be in evidence for any purpose adverse to
7 the Defendant, including, but not limited to, evidence of a presumption, concession, indication or
8 admission by Defendant of any liability, fault, wrongdoing, omission, concession or damage.

9 10. Pursuant to the terms of the Amended Settlement Agreement, Defendant shall not be
10 liable for more than the agreed upon Gross Settlement Amount.

11 11. The Court finds that the method of giving notice to the Class constitutes the best means
12 practicable of providing notice under the circumstances. The Court further finds that the Notice of Class
13 Settlement and the method of giving notice to the Class meet the requirements of California Code of
14 Civil Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, and due process under the
15 California and United States Constitutions, and other applicable law.

16 12. At the Final Approval Hearing, which will take place on July 1, 2021 at 2:00 p.m., the
17 Court will consider, *inter alia*, whether the Settlement should be finally approved as fair, reasonable and
18 adequate, whether a final judgment should be entered, and whether the payments provided for under the
19 Settlement, including attorneys' fees and costs and class representative service award, should be finally
20 approved and granted.

21 13. For final approval as to any proposed enhancement, counsel should state the amounts the
22 representative is expected to recover as a class member, and any other factors pertinent to the
23 enhancement request. The high, low, and average recoveries for the class members as a whole should
24 also be stated.

25 14. For final approval as to any request for fees and costs, evidence should be presented as to
26 the services provided by counsel, including time records, to allow the court to evaluate the lodestar, and
27 as to the basis for the costs claimed, including supporting documentation for all claimed costs. The Court
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1 reserves any decision on fees, costs, administrator costs, and enhancements until the final fairness
2 hearing: preliminary approval should not be construed as approval of those sums.


3 15. For final approval, any proposed order should be submitted in two formats. One copy
4 should be filed in Word version, and another copy in .pdf with attachments, including the class notice and
5 related forms. The class must be given notice of the time and date of the final approval hearing as part of
6 the notice.

7 16. Plaintiff shall give notice to Defendant by serving Defendant with a copy of this order.
8 Plaintiff shall also give notice to the LWDA by submitting a copy of this order to the LWDA through its
9 online website, and file proof of service when this has occurred.

10 17. Pending the Final Approval Hearing, all proceedings in this Action, other than
11 proceedings necessary to implement the Settlement and this Order, are stayed.

12 **IT IS SO ORDERED.**

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14 DATED: 3/9/21


15 HONORABLE KIRK H. NAKAMURA
16 JUDGE OF THE SUPERIOR COURT
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