

FILED

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JAMES M. KIM, Court Executive Officer
MARIN COUNTY SUPERIOR COURT

By: J. Berg, Deputy

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16 individually and on behalf of others similarly situated

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **FOR THE COUNTY OF MARIN**

19 OLMENE SERAFIN, individually and on
20 behalf of others similarly situated,

21 Plaintiff,

22 vs.

23 ALDERSLY and DOES 1 through 50,

24 Defendants.

) CASE NO.: CIV1904149

) CLASS ACTION

) Judge: Hon. Andrew E. Sweet
) Courtroom E

) **~~PROPOSED~~ ORDER GRANTING
) PRELIMINARY APPROVAL OF CLASS
) ACTION SETTLEMENT AND SETTING
) OF FINAL APPROVAL HEARING**

) Preliminary Approval Hearing:

) Date: APR 02 2021

) Time: 1:30 PM

) Dept.: E

) Complaint Filed: November 12, 2019

File By Fax

1 Plaintiff Olmene Serafin ("Plaintiff") and Defendant Aldersly ("Defendant") (collectively
2 the "Parties") have reached a settlement of class action and claims for civil penalties under the
3 Labor Code Private Attorneys General Act ("PAGA") upon the terms and conditions set forth in
4 the Joint Stipulation Of Class Action Settlement And Release ("Settlement Agreement" or
5 "Agreement"), a copy of which was submitted as Exhibit 1 to the Declaration of Justian Jusuf in
6 support of Plaintiff's motion for preliminary approval of the settlement. The settlement is subject
7 to Court approval, pursuant to California Rule of Court 3.769 and Labor Code § 2699(l).

8 After reviewing Plaintiff's motion for preliminary approval of the settlement, the
9 Settlement Agreement, the proposed Notice of Class Settlement, and other related documents, and
10 having heard the argument of Counsel for respective parties,

11 IT IS HEREBY ORDERED:

12 1. The Court hereby GRANTS preliminary approval of the class action settlement
13 upon the terms and conditions set forth in the Agreement. The Court preliminary finds that the
14 terms of the proposed class action settlement are fair, reasonable, and adequate.

15 2. The Court hereby certifies a Class, for settlement purposes, defined as follows:

16 **Any and all persons who have been employed by Aldersly d/b/a Aldersly**
17 **Retirement Home, as non-exempt employees in California at any time during the**
18 **Class Period, from November 12, 2015 through the date of this preliminary**
19 **approval order ("Class Period").**

20 3. The Court hereby appoints Plaintiff Olmene Serafin as Class Representative for
21 settlement purposes.

22 4. The Court hereby appoints Justian Jusuf of the Law Office of Justian Jusuf APC
23 and Sahag Majarian II of the Law Offices of Sahag Majarian II as Class Counsel for settlement
24 purposes.

25 5. The Court hereby preliminarily finds the Agreement was the product of serious,
26 informed, non-collusive negotiations conducted at arms' length by the Parties. In making these
27 preliminary findings, the Court considered the estimate of the Class Members' total recovery,
28 Defendant's potential liability, the allocation of settlement proceeds among Class Members, and
the fact that a settlement represents a compromise of the Parties' respective positions rather than

1 the result of a finding of liability at trial. The Court further preliminarily finds that the terms of
2 the Settlement Agreement have no obvious deficiencies and do not improperly grant preferential
3 treatment to any individual Class Member.

4 6. The Court hereby approves the Notice of Class Settlement attached as Exhibit A to
5 the Agreement.

6 7. The Court finds that the Notice of Class Settlement constitutes the best notice
7 practicable under the circumstances and is in full compliance with the laws of the State of
8 California and, to the extent applicable, the United States Constitution and the requirements of due
9 process. The Court further finds that the Class Notice of Settlement fully and accurately informs
10 Class members of all material elements of the proposed class action settlement, of each Class
11 member's right to be excluded from the Class, and each Class member's right and opportunity to
12 object to the proposed class action settlement.

13 8. The Court approves Phoenix Class Action Administration Solutions to serve as the
14 Settlement Administrator.

15 9. The Parties are hereby ordered to implement the terms of the Agreement.

16 10. Any Class Member requesting to be excluded from the Settlement Class must
17 submit his or her written request for exclusion no later than 30 (thirty) days after the original date
18 of the Settlement Administrator's mailing of the Notice of Class Settlement. Any Class Member
19 who submits a valid and timely request to be excluded from the Settlement shall no longer be a
20 member of the Settlement Class, shall not be bound by the terms of the Settlement as provided in
21 the Agreement, shall have no right to object to this Settlement, and shall receive no benefit from
22 this Settlement.

23 11. The Court further orders that each Class Member shall be given full opportunity to
24 object to the proposed class action settlement and to participate at a Final Approval hearing. Any
25 Class member objecting to the proposed class action settlement shall mail such objection to the
26 Settlement Administrator no later than 30 (thirty) calendar days after the date the Settlement
27 Administrator mails the Notice of Class Settlement to Class Members. Plaintiff's Counsel shall
28 submit any such objections to the Court. Plaintiff's Counsel and Counsel for Defendant shall file

1 all written responses to any written objections filed by Class Members at least 14 (fourteen)
2 calendar days before the Final Approval hearing, provided, however, that failure to file a written
3 response shall not bar Plaintiff or Defendant from presenting oral argument or evidence
4 concerning such objection at the Final Approval hearing.

5 12. The **Final Approval Hearing** is set for July 9, 2021 at 1:30 in
6 Courtroom E.

7 13. Plaintiff shall file the motion for final approval of the settlement, award of
8 attorneys' fees and costs, award of enhancement payment for Plaintiff, and approval of the
9 Settlement Administrator's fee and costs no later than sixteen (16) court days before the final
10 approval hearing. A declaration by the Settlement Administrator of due diligence and proof of
11 mailing with regard to the mailing of the notice shall accompany the motion for final approval of
12 the settlement.

13 **IT IS SO ORDERED.**

14
15 Dated: APR 02 2021

ANDREW E. SWEET

Hon. Andrew E. Sweet
Judge of the Superior Court