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Attorneys for PLAINTIFF GUILLERMINA HERRERA
on behalf of herself and others similarly situated

1 The Motion for Preliminary Approval of a Settlement came before this Court on November
2 29, 2021 at 2:30 p.m. in Department 10 of Los Angeles County Superior Court located at 312 North
3 Spring Street, Los Angeles, California 90012. The Court, having considered the proposed Joint
4 Stipulation of Class Action and PAGA Settlement and Release attached as Exhibit 1 to the
5 Declaration of Melissa A. Huether in Support of Plaintiffs’ Motion for Preliminary Approval of
6 Class Action Settlement and Amendment No. 1 to Joint Stipulation of Class Action and PAGA
7 Settlement and Release attached as Exhibit 2 to the Supplemental Declaration of Melissa A.
8 Huether in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, and
9 the Exhibits attached thereto (hereafter collectively, the “Stipulation”, “Settlement”, or “Settlement
10 Agreement”); having considered the Motion for Preliminary Approval of Class Action Settlement
11 filed by the parties; having considered the respective points and authorities and declarations
12 submitted by the parties in support thereof; and good cause appearing, HEREBY ORDERS THE
13 FOLLOWING:

14 The Court grants preliminary approval of the settlement as set forth in the Stipulation and
15 finds the terms to be within the range of reasonableness of a settlement that ultimately could be
16 granted approval by the Court at the Final Fairness Hearing. For purposes of the settlement, the
17 Court finds that the proposed settlement class is ascertainable and that there is a sufficiently well-
18 defined community of interest among the Class in questions of law and fact. Therefore, for
19 settlement purposes only, the Court grants conditional certification of the following “Class” defined
20 as follows:

21 any individual currently or formerly employed by Defendant in California
22 as an hourly, non-exempt employee during the period from October 1,
23 2019 up to date of the entry of this Order.

24 1. For purposes of the settlement, the Court further designates named Plaintiffs Merzier
25 McGinnis and Guillermina Herrera as Class Representatives, and Joseph Lavi, Esq. and Anwar D.
26 Burton of Lavi & Ebrahimian, LLP, Manny Starr and Daniel Ginzburg of the law firm Frontier Law
27 Center, and Sam Donabedian of Donabedian Law as Class Counsel.

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1 2. The Court confirms Phoenix Class Action Administration Solutions as the
2 Settlement Administrator.

3 3. A final fairness hearing on the question of whether the proposed settlement should
4 be finally approved as fair, reasonable and adequate as to the members of the Settlement Class is
5 scheduled in Department 10 of this Court, located at 312 North Spring Street, Los Angeles,
6 California 90012, on 07:30 A.M., 2022, at 9:00 a.m./p.m.

7 4. At the final fairness hearing, the Court will consider: (a) whether the settlement
8 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
9 approval of the settlement should be entered; and (c) whether Plaintiffs' application for an award of
10 attorneys' fees, reimbursement of litigation expenses, and service payment should be granted.

11 5. Counsel for the parties shall file memoranda, declarations, or other statements and
12 materials in support of their request for final approval by no later than 16 court days prior the final
13 fairness hearing.

14 6. Class Counsel shall file a motion for an award of attorneys' fees, reimbursement of
15 litigation expenses and class representative enhancement by no later than 16 court days prior to
16 the final fairness hearing.

17 7. The Court approves, as to form and content, the Class Notice which is attached the
18 Declaration of Melissa A. Huether in Support of Preliminary Approval as **Exhibit 2**.

19 8. Within fifteen (15) calendar days of the Preliminary Approval Order, Defendant
20 shall provide to only the Settlement Administrator a confidential list containing the Class Members'
21 names, last-known addresses, last-known telephone number, social security number, and number of
22 workweeks worked during the Class Period.

23 9. The Court directs the mailing of the Class Notice by first class mail to the members
24 of the Class within thirty (30) calendar days of the Preliminary Approval Date.

25 10. The proposed members of the Class shall have forty (45) calendar days after the
26 initial mailing of the Class Notice to submit an objection or Request for Exclusion ("Notice
27 Period").

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1 11. The Court finds that the forms of Class Notice to the Class regarding the pendency
2 of the action and of this settlement, and the methods of giving notice to members of the Class
3 constitute the best notice practicable under the circumstances and constitute valid, due, and
4 sufficient notice to all members of the Class. They comply fully with the requirements of
5 California Code of Civil Procedure section 382, California Civil Code section 1781, California
6 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other
7 applicable law.

8 12. The Court further approves the procedures for Class Members to participate in, opt
9 out of, or object to the Settlement, as set forth in the Stipulation and Class Notice.

10 13. Any Class Member who wishes to object to the Settlement must do so in writing
11 (“Objection”) mailed to the Settlement Administrator postmarked no later than the Notice Period.
12 To be valid, the Objection must: (1) the full name of the Class Member; (2) the dates of
13 employment of the Class Member; (3) the last four digits of the Class Member’s Social Security
14 number; (4) the basis for the Objection; and (5) whether the Class Member intends to appear at
15 the final approval or settlement fairness hearing. Class Counsel and Defense Counsel may, at
16 least five (5) days (or some other number of days as the Court shall specify) before the final
17 approval hearing, file responses to any written Objections. Class Members may also appear at the
18 Final Approval hearing and present their objections orally for the Court.

19 14. Class Members who wish to be excluded from the Settlement must mail a written
20 Request for Exclusion from the Settlement to the Settlement Administrator. The Request for
21 Exclusion must state “I WISH TO BE EXCLUDED FROM THE CLASS IN THE MERZIER
22 MCGINNIS VS NORRED & ASSOCIATES, INC. CLASS ACTION LAWSUIT, LOS
23 ANGELES SUPERIOR COURT, CASE NO. 20STCV03629. I UNDERSTAND THAT IF I ASK
24 TO BE EXCLUDED FROM THE CLASS, I WILL NOT RECEIVE ANY MONEY FROM THE
25 SETTLEMENT,” or any similar statement clearly indicating the Class Member wishes to opt out
26 of the settlement, and any such statement shall include the name (and former names, if any),
27 current address, telephone number, and last four digits of his or her social security number to
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1 confirm the Class Member's identity. A Request for Exclusion must be mailed to the Settlement
2 Administrator within the Notice Period.

3 15. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
4 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
5 Order, are stayed.

6 16. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
7 connection with the administration of the settlement which are not materially inconsistent with
8 either this Order or the terms of the Stipulation.

9 17. To facilitate administration of the Settlement pending final approval, the Court
10 hereby enjoins all Class Members from filing or prosecuting any claims, suits or administrative
11 proceedings regarding claims released by the Settlement unless and until such Class Members have
12 submitted valid Requests for Exclusion with the Settlement Administrator and the time for filing
13 claims with the Settlement Administrator has elapsed.

14 18. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Notice Date: last day for Settlement Administrator to mail Class Notice to Class Members.	30 calendar days after the Preliminary Approval Date
Notice Period: (i) last day for class members to submit Requests for Exclusion; and (ii) last day for Class Members to submit Objections.	45 calendar days after the date of mailing of the Class Notice
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 court days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 court days prior to the final fairness hearing
Last day for Plaintiffs to respond to Objections	10 calendar days prior to the final fairness hearing
Hearing on final approval of class action settlement.	

25 19. The Fairness Hearing and related prior deadlines set forth above may, from time to
26 time and without further notice to the Class (except those who have filed timely and valid
27 objections), be continued or adjourned by Order of the Court.

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IT IS SO ORDERED.

11/29/2021

Dated: _____



W.F. Highberger

Hon. William F. Highberger
William F. Highberger / Judge
Judge of the Superior Court

2 **PROOF OF SERVICE**

3 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

4 I am an employee in the County of Los Angeles, State of California. I am over the age of 18
5 and not a party to the within action; my business address is 8889 West Olympic Blvd., Suite 200,
6 Beverly Hills, California 90211.

7 On November 29, 2021, I served the foregoing document, described as

- 8 • **SUPPLEMENTAL DECLARATION OF MELISSA A. HUETHER IN SUPPORT OF PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**
- 9 • **[REVISED PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

10 on all interested parties in this as follows:

11 Richard Bromley, Esq. 12 Carolyn E. Sieve, Esq. 13 Joanna MacMillan, Esq. 14 CONSTANGY, BROOKS, SMITH & PROPHETE LLP 15 2029 Century Park East, Suite 1100 16 Los Angeles, CA 90067 Attorneys for Defendant NORRED & ASSOCIATES, INC.	
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17 **(BY ELECTRONIC SERVICE)** Pursuant to California Rules of Court Rule 2.251, Code of
18 Civil Procedure section 1010.6, and the Court Order Authorizing Electronic Service, I sent
such document via use of CASEANYWHERE.

19 **(STATE)** I declare, under penalty of perjury under the laws of the State of California, that
20 the aforementioned service information is true and correct.

21 Executed on November 29, 2021 at Beverly Hills, California.

22 /s/ Melissa A. Huether
23 Melissa A. Huether