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SUPERIOR COURT OF TH	HE STATE OF CALIFORNIA
COUNTY O	F SAN DIEGO
FLORIN VRANCEANU,	Lead Case No. 37-2020-11926-CU-OE-CTL (Consolidated with Case No.:
Plaintiff,	37-2020-00018042-CU-BT-CTL)
VS.	Hon. Timothy Taylor Dept. C-72
MERCK, SHARP & DOHME CORP., a New Jersey Corporation; and DOES 1 through 25, nclusive,	[RROPOSED] ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR (1) PRELIMINARY APPROVAL OF
Defendants.	SETTLEMENT OF CLASS AND PAGA REPRESENTATIVE ACTIONS, (2) PROVISIONAL CERTIFICATION OF
	SETTLEMENT CLASS, (3) APPOINTMENT OF PLAINTIFF AS CLASS
	REPRESENTATIVE AND APPROVAL OF INCENTIVE AWARD, (4) APPOINTMENT OF LEAD COUNSEL, (5) APPOINTMENT OF SETTLEMENT ADMINSTRATOR AND (6) APPROVAL OF NOTICE PLAN
	Complaint Filed:March 3, 2020Amended Complaint Filed:May 26, 2020Related Complaint Filed:June 2, 2020
This matter came on for hearing on Apri	[] 18, 2022 at 1:30 P.M. in Department C-72 of the
San Diego Superior Court, before the Honorable	e Timothy Taylor, judge presiding, on Plaintiff's
Unopposed Motion for (1) Preliminary Approva	al of Class Action Settlement, (2) Provisional
Class Certification, (3) Approval of Notice Plan	a, and (4) to Set Hearing Re: Final Approval of

AND PAGA REPRESENTATIVE ACTION SETTLEMENT

Settlement. The court having fully reviewed the motion and supporting memorandum of points 1 and authorities and declarations of Attorney Robert Radulescu and declaration of Attorney Robert 2 A. Waller, Jr., in support thereof, the Stipulation of Settlement and Release of Class Action 3 ("Settlement Agreement"), the proposed notice of Class Action Settlement and PAGA Settlement 4 attached as an exhibit to the Settlement Agreement, and having carefully analyzed the Settlement 5 Agreement and the proposed Notice of Class Action Settlement, and in recognition of the Court's 6 duty to make a preliminary determination as to the reasonableness of any proposed class action 7 settlement, and if preliminarily determined to be reasonable, to ensure proper notice is provided 8 to all members of the Settlement Class ("Class Members" or "Class") in accordance with due 9 process requirements, and to set a Final Fairness/Approval Hearing to consider the proposed 10 settlement as to the good faith, fairness, adequacy and reasonableness of any proposed settlement, 11

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## THE COURT HEREBY MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:

The Court conditionally finds that, for the purposes of approving this settlement 14 1. only, the proposed Class meets the requirements for certification under C.C.P. §382: (a) the 15 proposed class is ascertainable and so numerous that joinder of all members of the class is 16 impracticable; (b) there are questions of law or fact common to the proposed Class, and there is a 17 well-defined community of interest among the proposed Class Members with respect to the 18 subject matter of the litigation; (c) the claims of the Class Representative, Florin Vranceanu, are 19 typical of the claims of the Class Members; (d) the class Representative, Florin Vranceanu, has 20 and will fairly and adequately protect the interests of the members of the Class; (e) a class action 21 is superior to other available methods for an efficient adjudication of this controversy in the 22 context of settlement; (f) the counsel of record for the Class Representative, attorney Robert 23 Radulescu and attorney Robert A. Waller, Jr., are qualified to serve as counsel for the Class 24 Representative in their own capacities as well as their representative capacity for the Class; 25

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2. The Court finds on a preliminary basis that the Settlement Agreement, attached to the Declaration of Attorney Robert Radulescu as Exhibit "1," incorporated herein by this reference in full, and made part of this Order of Preliminary Approval, appears to be within the range of reasonableness of a settlement which could ultimately be given full approval by this Court;

3. Further, it appears to the Court on a preliminary basis that: (a) the settlement amount is 5 fair and reasonable to the Class Action Settlement Class and the PAGA Settlement Class when 6 balanced against the probable outcome of further litigation relating to class certification, liability 7 and damages issues and potential adverse rulings on summary judgment and/or appeals; (b) 8 significant investigation, formal and informal discovery, research, and litigation have been 9 conducted such that counsel for the Parties at this time are able to reasonably evaluate their 10 respective positions; (c) settlement at this time will avoid substantial costs, delay, and risks that 11 would be presented by the further prosecution of the litigation; and (d) the proposed settlement 12 has been reached as the result of intensive, serious and non-collusive negotiations between the 13 14 Parties and counsel experienced in wage actions.

- 4. Accordingly, GOOD CAUSE APPEARING, the Motion for Preliminary Approval of
  Class Action Settlement and PAGA Settlement is hereby GRANTED, and as a part of said
  preliminary approval, the Court hereby accepts and incorporates the Settlement Agreement and
  hereby orders that the Class be conditionally certified for settlement purposes only pursuant to the
  terms and conditions contained in the Settlement Agreement. For purposes of this settlement, the
  Class is defined as follows:
  - All individuals who previously were employed by Defendant in California and whose employment ended in California on or after June 1, 2017, through Preliminary Approval Date, and whose final vacation pay was issued after the separation date.

5. The Court further finds that the proposed Class Notice, "Notice of Class Action Settlement," attached to the Settlement Agreement as Exhibit "A," fairly and adequately advises the Class Members of: a) the pendency of the Class Action, b) the conditional certification of the

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Class for settlement purposes only, c) preliminary court approval of the proposed Class Action 1 and PAGA settlement, d) the date of the Final Fairness/Approval hearing, e) the terms of the 2 proposed settlement and the benefits available to Class Members thereunder, f) their right to 3 request exclusion, the procedure for doing so, and the deadline, g) their right to object to the 4 settlement, procedure for doing so and deadline, and h) their right to file documentation in 5 support of or in opposition to, and to appear in connection with, said hearing. The Court further 6 finds the Class Notice clearly comports with all constitutional requirements, including those of 7 due process. 8

Accordingly, good cause appearing, the Court hereby APPROVES the Notice 9 6. of Class Action Settlement. 10

The Court further finds that the mailing to the last known address of Class 7. 11 Members as specifically described within the Settlement Agreement, with measures taken for 12 verification of an address and skip tracing set forth therein as well as steps to follow up with non-13 responding Class Members, constitutes an effective method of notifying Class Members of their 14 rights with respect to the class action and Settlement. Accordingly, it is hereby ORDERED, that: 15

Phoenix Settlement Administrators be appointed as the Settlement Administrator A. 16 to administer the settlement of this matter as more specifically set forth in the Settlement 17 18 Agreement;

That attorney Robert Radulescu and attorney Robert A. Waller, Jr., be appointed Β. 19 conditionally as Class Counsel; 20

That Plaintiff Florin Vranceanu be appointed conditionally as Class C. 22 Representative;

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On or before March 25, 2022, or fourteen (14) days before the date set for the court 23 D. to consider Plaintiff's Motion for Preliminary Approval of the Class Action Settlement, 24 Defendant shall provide the Claims Administrator a list containing the following information 25 about each Class Member (Class Data): (1) his or her name and last-known mailing address; (2) 26

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Social Security number; (3) employee identification number; (4) personal email address (if
 known); and (4) Estimated Days as a Settlement Class Member and (if applicable) as a PAGA
 Settlement Employee.

E. The Notice, as approved by the Court, shall be sent by the Settlement 4 Administrator to the Settlement Class Members, by first class mail within twenty-five (25) 5 business days following entry of the Preliminary Approval Order. No later than fifteen (15) 6 business days following entry of the Preliminary Approval Order, Defendant will provide to the 7 Settlement Administrator in electronic format a spreadsheet containing each Class Member's 8 Class Data. All Class Data will be used for settlement notification and settlement 9 administration, shall be kept confidential by the Settlement Administrator, and shall not be 10 provided to Class Counsel or used for any other purpose. 11

The Settlement Administrator will take steps to ensure that the Notice is correctly F. 12 mailed to all Settlement Class Members, including utilization of the National Change of Address 13 Database maintained by the United States Postal Service to review the accuracy of and, if 14 possible, update a mailing address. Notices will be re-mailed to any Settlement Class Member for 15 whom an updated address is located within ten (10) calendar days following both the Settlement 16 Administrator learning of the failed mailing and its receipt of the updated address. The Notice 17 shall be identical to the original Notice, except that it shall notify the Settlement Class Member 18 that the exclusion (opt-out) request or objection must be returned by the later of the Notice 19 Response Deadline or fifteen (15) days after the remailing of the Notice. 20

G. On or before 45 days from the first mailing of the Notice, written requests for
exclusion must be postmarked and return to the Settlement Administrator;

H. On or before 45 days after the first mailing of the Notice, objections to the
settlement are to be served upon the Settlement Administrator who shall provide the objection to
Class Counsel and Defense Counsel within three (3) days of receipt. Written objections shall
include the full name, address, telephone number, last four digits of the social security number or

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date of birth, signature of the Objecting Settlement Class Member, and the basis for the objection,
 including any legal support and each specific reason in support of the objection, as well as any
 documentation or evidence in support thereof, and, if the Objecting Settlement Class Member is
 represented by counsel, the name and address of his or her counsel

I. If any Objecting Settlement Class Member wishes to speak at the Final Approval
 Hearing with respect to the Class Claims, that Objecting Settlement Class Member's written
 submission should include a request to be heard, and the Court will determine whether Objecting
 Settlement Class Members will be permitted to speak at the Final Approval Hearing.

IT IS FURTHER ORDERED the Final Fairness/Approval Hearing shall be 8. 9 held before the undersigned at 130 p.m., on July 29, 2022, in Department C-72, of the Superior 10 Court of California, County of San Diego, Hall of Justice Building, 330 West Broadway, San 11 Diego, California 92101, to consider the fairness, adequacy and reasonableness of the proposed 12 settlement preliminarily approved by this Order of Preliminary Approval, and to consider the 13 application for incentive award to the named Plaintiff/Class Representative Florin Vranceanu, for 14 settlement administration expenses and for Class Counsel's attorney's fees and litigation expenses 15 incurred. All briefs and materials in support of an Order of Final Approval and Plaintiff's/Class 16 Representative's incentive payments, settlement administration expenses, and attorney's fees and 17 litigation costs shall be filed with this Court as required by the California Rules of Court and/or 18 applicable statute. 19

9. IT IS FURTHER ORDERED that, if for any reason, the Court does not execute
and file an Order of Final Approval, or if the Effective Date of settlement, does not occur for any
reason whatsoever, the Settlement Agreement and the proposed settlement that is the subject of
this Order, and all evidence and proceedings had in connection therewith, shall be without
prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth
in the Settlement Agreement;

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1	10. <b>IT IS FURTHER ORDERED</b> that pending further order of this court, all
2	proceedings in this matter except those contemplated herein and in the Settlement Agreement are
3	hereby stayed.
4	11. The Court expressly reserves the right to adjourn or continue the Final Fairness
5	Hearing from time to time without further notice to Class Members.
6	IT IS SO ORDERED AND ADJUDGED.
7	Dated: 4/8/22 /h/3/50
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10	Timothy B. Taylor
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	[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS AND PAGA REPRESENTATIVE ACTION SETTLEMENT