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ELECTRONICALLY RECEIVED
Superior Court of California,
County of San Diego

03/11/2022 at 04:27:00 PM
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FILED
Clerk of the Superior Court

APR 8 2022

By: J. Virissimo, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

FLORIN VRANCEANU,
Plaintiff,
vs.
MERCK, SHARP & DOHME CORP., a New
Jersey Corporation; and DOES 1 through 25,
inclusive,
Defendants.

Lead Case No. 37-2020-11926-CU-OE-CTL
(Consolidated with Case No.:
37-2020-00018042-CU-BT-CTL)

Hon. Timothy Taylor
Dept. C-72

~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S UNOPPOSED MOTION FOR
(1) PRELIMINARY APPROVAL OF
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, 2020
Amended Complaint Filed: May 26, 2020
Related Complaint Filed: June 2, 2020

This matter came on for hearing on April 8, 2022 at 1:30 P.M. in Department C-72 of the San Diego Superior Court, before the Honorable Timothy Taylor, judge presiding, on Plaintiff's Unopposed Motion for (1) Preliminary Approval of Class Action Settlement, (2) Provisional Class Certification, (3) Approval of Notice Plan, and (4) to Set Hearing Re: Final Approval of

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

12 **THE COURT HEREBY MAKES THE FOLLOWING DETERMINATIONS AND**
13 **ORDERS:**

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

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

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

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

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

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

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

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

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

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


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10. **IT IS FURTHER ORDERED** that pending further order of this court, all proceedings in this matter except those contemplated herein and in the Settlement Agreement are hereby stayed.

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

IT IS SO ORDERED AND ADJUDGED.

Dated: 4/8/22



JUDGE OF THE SUPERIOR COURT
Timothy B. Taylor