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and Proposed Class Counsel
8

FILED
Superior Court of California
County of Los Angeles
09/06/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: B. Viola Deputy

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **FOR THE COUNTY OF LOS ANGELES – LONG BEACH COURTHOUSE**

12 KEVIN PUGH, on behalf of himself and
all “aggrieved employees” pursuant to
13 Labor Code § 2698 *et seq.*,

14 Plaintiff,

15 v.

16 THE AIRPORT COLLECTIVE, INC., a
California corporation, and DOES 1
17 through 10, inclusive,

18 Defendants.
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CASE NO: 21LBCV00333

Assigned to the Honorable Mark C. Kim, Dept. S27

~~(AMENDED PROPOSED)~~ ORDER (1)
GRANTING PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT AND (2)
GRANTING LEAVE TO FILE FIRST
AMENDED COMPLAINT

DATE: August 30, 2022

TIME: 8:30 a.m.

DEPT.: S27

Reservation ID: 052955941730

Action Filed: June 18, 2021

1 Plaintiff Kevin Pugh's ("Plaintiff") Unopposed Motion for Preliminary Approval of Class
2 Action Settlement and for Leave to File First Amended Complaint came on for hearing before this
3 Court in Department S27, Judge Marc C. Kim presiding, on August 30, 2022. The Court, having
4 considered the papers submitted in support of the motion and having heard oral argument of the
5 parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Settlement Agreement and Release of Claims ("Settlement") filed with the Court. The
8 settlement appears to be fair, adequate, and reasonable to the Class;

9 2. The Court finds that the settlement falls within the range of reasonableness and
10 appears to be presumptively valid, subject only to any objections that may be raised at the final
11 hearing;

12 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
13 Class Action Settlement and Final Hearing ("Notice") and the Request for Exclusion form, and also
14 approves the procedure for members of the Class to object to the settlement set forth in the Notice.
15 The Notice shall be amended to include the Court's current social distancing procedures for
16 attendance at hearings;

17 4. The Settlement Administrator shall maintain a settlement website that includes the
18 current and/or updated date, time and place for the hearing on final approval of class action
19 settlement. The Settlement Administrator shall also mail a copy of the final approval order with
20 the Class Member's settlement share checks to Class Members;

21 5. The Court directs the mailing of the Notice and Request for Exclusion form by first
22 class mail to the Settlement Class Members in accordance with the schedule set forth below. The
23 Court finds that the dates selected for the mailing and distribution of the Notice and Request for
24 Exclusion form, as set forth herein, meet the requirements of due process and provide the best
25 notice practicable under the circumstances and shall constitute due and sufficient notice to all
26 persons entitled thereto;

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1 6. It is ordered that the Settlement Class is preliminarily certified for settlement
2 purposes only. The Settlement Class is defined as follows: all non-exempt California employees
3 of Defendant from January 1, 2020 through January 27, 2022;

4 7. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
5 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
6 of up to 35% of the Gross Settlement Amount (or \$52,500) and documented litigation costs of up
7 to \$10,000 to Class Counsel, subject to final approval by the Court following a further motion by
8 Class Counsel;

9 8. The Court approves and appoints Plaintiff Kevin Pugh as the Class Representative
10 and grants preliminary approval to a proposed Enhancement Payment in an amount not to exceed
11 \$2,500;

12 9. The Court grants preliminary approval of the allocation of \$2,000 to penalties under
13 the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$1,500) shall be
14 paid to the LWDA and 25% (\$500) shall be included in the Net Settlement Proceeds for payment
15 to Class Members;

16 10. The Court hereby approves and appoints Phoenix Class Action Administration
17 Solutions as the Settlement Administrator and grants preliminary approval of the payment of fees
18 and other charges of the Settlement Administrator in an amount not to exceed \$5,000;

19 11. The Court grants Plaintiff leave to file the First Amended Class and Representative
20 Action Complaint attached as Exhibit 3 to the Settlement, within five (5) court days of the entry of
21 this Order, and consents that Defendant is not required to file a responsive pleading thereto;

22 12. The Court orders the following schedule of dates for the specified actions/further
23 proceedings:

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<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and their dates of employment in a non-exempt position in California during the Class Period ("Settlement Class Information")	10 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Request for Exclusion form to Class Members	20 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Class Members to submit a written Request for Exclusion form to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Members to submit an Objection to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	No later than January 2, 2023
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	No later than January 2, 2023
Final settlement approval hearing	January 12, 2023, at 8:30 a.m.

IT IS SO ORDERED.

Dated: 09/06/2022



[Handwritten Signature]

JUDGE OF THE SUPERIOR COURT
Mark C. Kim / Judge

APPROVED AS TO FORM AND CONTENT:

Dated: September 1, 2022

GAINES & GAINES, APLC

By: /s/ Alex P. Katofsky
Alex P. Katofsky, Esq.
Counsel for Plaintiff and Class
Representative

1 Dated: September 1, 2022

LAW OFFICES OF THOMAS F.
NOWLAND

2
3 By: /s/ Scott A. Ezzati (*As Authorized on 9/1/22)
4 Scott A. Ezzati, Esq.
5 Counsel for Defendant
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PROOF OF SERVICE AND CERTIFICATION

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action; my business address is 4550 East Thousand Oaks Boulevard, Suite 100, Westlake Village, CA 91362

____ (For messenger) my business address is:

On September 1, 2022, I served the foregoing document described as **[AMENDED PROPOSED] ORDER (1) GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND (2) GRANTING LEAVE TO FILE FIRST AMENDED COMPLAINT** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

**Thomas F. Nowland, Esq.
Daniel A. Brodnax, Esq.
Scott Ezzati, Esq.
LAW OFFICES OF THOMAS F. NOWLAND**

**20241 SW Birch Street, Suite 203
Newport Beach, CA 92660**

(BY U.S. MAIL/ BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized carrier or driver authorized by the express carrier to receive documents.

____ (BY FACSIMILE TRANSMISSION) On _____, at _____, at Westlake Village, California, I served the above-referenced document on the above-stated addressee by facsimile transmission pursuant to Rule 2008 of the California Rules of Court. The telephone number of the sending facsimile machine was (818)703-8984 and the telephone number(s) of the receiving facsimile machine was (916) 920-4402. A transmission report was properly issued by the sending facsimile machine, and the transmission was reported as complete and without error. Copies of the facsimile transmission cover sheet and the transmission report are attached to this proof of service.

____ (BY PERSONAL DELIVERY) By causing a true copy of the within document(s) to be personally hand-delivered to the office(s) of the addressee(s) set forth above, on the date set forth above.

____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic transmission via email on the counsel of record listed above.

I certify that the above document was printed on recycled paper.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2022, at Westlake Village, California.



JEREMY REYES