

OCT - 3 2022

By: S. Goodrich, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

LUIS A. M. AVILA, an individual, for the real party in interest, the State of California,

Plaintiff,

v.

STAPLES CONTRACT & COMMERCIAL INC.; STAPLES INC.; and DOES 1 through 50,

Defendants.

Case No. 37-2020-00026210-CU-OE-CTL  
(Lead Case)

Consolidated with Case No. 37-2022-00001040-CU-OE-CTL

(Assigned for All Purposes to the Honorable Eddie C. Sturgeon, Dept. 67)

~~PROPOSED~~ ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Date Action Filed: July 27, 2020  
Trial Date: Not Yet Set

1 This matter has come before the Court on the motion of Plaintiff Luis A. M. Avila for  
2 preliminary approval of the Settlement of the above-captioned Action ("Motion"). A hearing on  
3 the Motion was held on Oct. 3, 2022. The Court, having duly considered the Motion,  
4 good cause appearing, hereby orders as follows:

5 1. Capitalized terms in this Order have the same meaning they are given in the Class  
6 and PAGA Action Settlement Agreement and Release ("Agreement") filed with the Motion.

7 2. The Court grants preliminary approval of the Settlement based upon the terms set  
8 forth in the Agreement. The Settlement appears to be fair, reasonable, and adequate to the Class  
9 and presumptively valid, subject only to any objections that may be raised at or before the Final  
10 Approval Hearing.

11 3. A Final Approval Hearing on the question of whether the proposed Settlement,  
12 attorneys' fees and costs to Class Counsel, the PAGA Settlement Amount, the General Release  
13 Payment to Plaintiff, and Settlement Administration Costs should finally be approved as fair,  
14 reasonable, and adequate as to the Class Members is scheduled for Feb. 27, 202~~2~~<sup>3</sup>, at 8:30  
15 a.m. in Department 67 of this Court.

16 4. The Court approves as to form and content the Class Notice attached hereto as  
17 Exhibit 1. The Court approves the procedure for Class Members to request exclusion from or to  
18 object to the Settlement as set forth in the Class Notice. The Court approves as to form and  
19 content the Notice of Relevant Weeks attached to the Class Notice, which shall be mailed to Class  
20 Members with the Class Notice.

21 5. The Court directs the mailing of the Class Notice in accordance with the  
22 Implementation Schedule set forth below. The Court finds that the manner and mode of giving  
23 notice to Class Members meet the requirements of due process and provide the best notice  
24 practicable under the circumstances, and shall constitute due and sufficient notice to all persons  
25 entitled thereto.

26 6. The second amended complaint in this Action ("Consolidated Complaint"),  
27 attached as Exhibit A to the Agreement, is hereby deemed filed as of this date, for settlement  
28 purposes only, and Defendants are concurrently deemed to deny all of the allegations in the

1 Consolidated Complaint and to raise all of the defenses raised in their April 6, 2022 amended  
 2 answer to the First Amended PAGA Complaint in this Action and their March 7, 2022 answer to  
 3 the Class Complaint filed in the Later-Filed Action related to and consolidated with this Action,  
 4 all without the need for Defendants to file an answer to the Consolidated Complaint. If the  
 5 Settlement is not effectuated for whatever reason, the Consolidated Complaint shall be withdrawn  
 6 and shall no longer have any force or effect, and the First Amended PAGA Complaint will once  
 7 again become the operative complaint in this Action, with the Ninth Cause of Action therein  
 8 dismissed by virtue of this Court's December 17, 2021 order sustaining Defendants' demurrer as  
 9 to it.

10 7. The Class is preliminarily certified for settlement purposes only.

11 8. The Court preliminarily approves Alex Mashiri of the Mashiri Law Firm, APC and  
 12 Tamim Jami of The Jami Law Firm P.C. as Class Counsel.

13 9. The Court approves Phoenix Class Action Administration Solutions as the  
 14 Settlement Administrator.

15 10. The Court orders the following Implementation Schedule for further proceedings

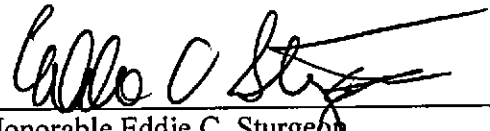
17 Deadline for Defendant to submit Class Member information to Settlement Administrator.	_____, 202__ (15 business days from entry of this Order.)
18 Settlement Administrator mails Class Notice to Class Members.	_____, 202__ (10 business days from receipt of Class Member information from Defendant.)
19 Deadline for Class Members to mail Requests for Exclusion.	_____, 202__ (45 calendar days from initial mailing of Class Notice)
20 Deadline for submitting to the Settlement Administrator any objections to Settlement.	_____, 202__ (45 calendar days from initial mailing of Class Notice)
21 Deadline for Class Counsel to file Motion for Final Approval of Settlement and Attorneys' Fees and Costs.	_____, 202__
22 <i>[no sooner than three weeks after deadline for Class</i>	

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<i>Members to mail Requests for Exclusion and for submitting any objections to Settlement]</i>	
Fairness Hearing and Final Approval.	Feb. 27, 2023 at 8:30 a.m.

IT IS SO ORDERED.

Dated: 10-3-22

  
\_\_\_\_\_  
Honorable Eddie C. Sturgeon  
Judge of the Superior Court