

**FILED**  
Clerk of the Superior Court

OCT 21 2022

By: V. Secaur

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN DIEGO**  
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11 LETICIA BELMONTEZ-CARILLO,  
12 individually and on behalf of all others  
13 similarly situated,

14 Plaintiffs,

15 vs.

16 METROPOLITAN AREA ADVISORY  
17 COMMITTEE ON ANTI-POVERTY OF  
18 SAN DIEGO COUNTY, INC., a California  
19 nonprofit corporation; MAAC  
20 COMMUNITY CENTER, INC., a California  
21 nonprofit corporation; MAAC HOUSING  
22 CORPORATION, a California nonprofit  
23 corporation; and DOES 1 through 50,  
24 inclusive,

25 Defendants.  
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Case No. 37-2019-00054227-CU-OE-CTL

*Assigned to the Hon. Eddie C. Sturgeon  
Dept. C-67*

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

**[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

1 This matter came on for hearing on October 21, 2022 in Department C-67 of the above-  
2 captioned Court on Plaintiff's Motion Preliminary Approval of Class Action Settlement. Having  
3 fully reviewed the Motion, the supporting Memorandum of Points and Authorities, Declaration of  
4 Nicholas J. Ferraro (and its exhibits), the Declaration of Thomas D. Rutledge, the Class Action  
5 Settlement Agreement ("Settlement"), and the proposed notice to the class, and in recognition of the  
6 Court's duties (to make a preliminary determination as to the reasonableness of any proposed class  
7 action settlement; to ensure proper notice is provided to all class members in accordance with due  
8 process requirements; and to set a final approval hearing to consider the good faith, fairness,  
9 adequacy and reasonableness of the proposed Settlement), THE COURT MAKES THE  
10 FOLLOWING DETERMINATIONS AND ORDERS:

11 1. The Court conditionally finds, for the purposes of approving this settlement only, the  
12 proposed class meets the requirements for certification under section 382 of the California Code of  
13 Civil Procedure: (a) the proposed class is ascertainable and so numerous joinder of all members of the  
14 Class is impracticable; (b) there are questions of law or fact common to the proposed class, and a  
15 well-defined community of interest among members of the proposed Class with respect to the subject  
16 matter of the class action; (c) the claims of the class representative are typical of the claims of the  
17 members of the proposed class; (d) the class representative has and will fairly and adequately protect  
18 the interests of the class; (e) a class action is superior to other available methods for an efficient  
19 adjudication of this controversy in the context of settlement; and (f) counsel of record for the Plaintiff  
20 are qualified to serve as class counsel.

21 2. The Court finds on a preliminary basis the Settlement, attached to the Declaration of  
22 Nicholas J. Ferraro as Exhibit 1, incorporated by this reference in full, and made a part of this Order,  
23 appears to be within the range of reasonableness of a settlement that could ultimately be given final  
24 approval by this Court.

25 3. It appears to the Court on a preliminary basis: (a) the non-reversionary total settlement  
26 amount is fair and reasonable to class members when balanced against the probable outcome of  
27 further litigation relating to class certification, liability and damages issues, and potential appeals;  
28 (b) significant investigation, research, and informal discovery, have been conducted such that counsel

1 for the parties are able to reasonably evaluate their respective positions; (c) settlement at this time will  
2 avoid substantial costs, delay, and risks presented by further prosecution of the litigation; and (d) the  
3 proposed Settlement was reached through intensive, serious, and non-collusive negotiations  
4 facilitated by an experienced mediator.

5 4. Accordingly, good cause appearing, the Motion for Order Granting Preliminary  
6 Approval of Class Action Settlement is GRANTED, and the Court incorporates the Settlement and its  
7 terms by reference in full, making it part of this order granting preliminary approval.

8 5. Class members are therefore defined pursuant to the terms set forth in the Settlement.

9 6. The Court further finds the proposed class notice fairly and adequately advises class  
10 members of the (a) pendency of the class action settlement; (b) conditional class certification for  
11 settlement purposes only; (c) preliminary Court approval of the proposed Settlement; (d) the date,  
12 time and place of the final approval hearing; (e) the terms of the proposed Settlement and the benefits  
13 available to class members under the Settlement; (f) their right to receive a proportionate share of the  
14 net settlement amount, without the need to return a claim form; (g) their right to request exclusion,  
15 and the procedures and deadline for doing so; (h) their right to object to the Settlement, and the  
16 procedure and deadline for doing so; and (i) their right to file documents in opposition to the  
17 Settlement and appear at the final approval hearing.

18 7. The Court further finds the proposed class notice provides the best practicable notice  
19 to the class and clearly comports with all constitutional requirements, including those of due process.  
20 Accordingly, good cause appearing, the Court APPROVES the class notice set forth in the  
21 Settlement.

22 8. The Court further finds that mailing of the class notice to the last known address of all  
23 class members with measures taken for verification of an address and skip tracing of bad addresses,  
24 as specifically described within the Settlement, constitutes an effective method of notifying individual  
25 class members of their rights with respect to the class action and the Settlement.

26 9. Accordingly, it is ORDERED that:

27 A. Phoenix Settlement Administrators be appointed to administer the Settlement,  
28 pursuant to the terms set forth in this Order and in the Settlement;

1 B. Ferraro Vega Employment Lawyers, Inc. and Thomas D. Rutledge, Esq. be  
2 appointed as class counsel;

3 C. Plaintiff Leticia Belmontez-Carillo be preliminarily appointed as the class  
4 representative;

5 D. Within twenty-one (21) calendar days after the date the Court grants  
6 preliminary approval of the Settlement, Defendants shall provide to the settlement administrator the  
7 following class information for each class member: (1) first and last name; (2) last known mailing  
8 address; (3) phone number; (4) social security number; (5) dates of employment; and (6) the number  
9 of workweeks worked by each class member during the respective class period; and (7) the number of  
10 pay periods worked during the respective PAGA period.

11 E. Within ten (10) calendar days after its receipt of the forgoing class and PAGA  
12 information, the Settlement Administrator shall (i) run the names of all class members through the  
13 National Change of Address (“NCOA”) database to determine any updated addresses for class  
14 members; (ii) update the addresses of any class member for whom an updated address was found  
15 through the NCOA search; (iii) calculate the estimated settlement amount for each class member; and  
16 (iv) mail a notice packet to each class member at his or her last known address or at the update  
17 address found through the NCOA search, and retain proof of mailing.

18 F. On or before forty-five (45) calendar days from the date the settlement  
19 administrator first mails the class notice packet (the “Response Deadline”), class members who wish  
20 to exclude themselves from the class must submit a written request for exclusion in the manner set  
21 forth in the class notice. Class members who fail to submit a valid and timely written request for  
22 exclusion on or before the Response Deadline shall be a participating class member who will receive  
23 his or her individual settlement check automatically and be bound the Settlement and any final  
24 judgment entered in this action, if the Settlement is approved by the Court.

25 G. On or before the Response Deadline, any class member who desires to object  
26 to the proposed Settlement, including the request for attorneys’ fees, expenses, or service award to the  
27 named plaintiff, may send a written notice of objection in the manner set forth in the class notice,  
28 postmarked no later than the Response Deadline;

1 H. Class Members who wish to dispute the information upon which their  
2 individual settlement payment will be calculated must provide to the settlement administrator  
3 documentation and/or an explanation to show contrary information. Any such dispute, including any  
4 supporting documentation, must be provided to the settlement administrator, and postmarked by the  
5 Response Deadline. The postmark date for the dispute shall be the exclusive means used to determine  
6 whether the dispute has been timely submitted.

7 10. IT IS FURTHER ORDERED that the final approval hearing shall be held before the  
8 undersigned at 9:00 am on 2/24/2023 in Department C-67 of the  
9 Superior Court of California, County of San Diego located at 330 West Broadway, San Diego,  
10 California 92101, to consider the fairness, adequacy, and reasonableness of the proposed Settlement,  
11 and to consider the application for a service payment to the class representative, settlement  
12 administration expenses, and class counsel's attorneys' fees and litigation costs.

13 11. IT IS FURTHER ORDERED that if for any reason the Court does not execute and  
14 file an Order Granting Final Approval, or if the Effective Date, as defined in the Settlement, does not  
15 occur for any reason whatsoever, the Settlement and the proposed Settlement that is the subject of this  
16 Order, and all evidence and proceedings had in connection therewith, shall be restored without  
17 prejudice to the status quo ante, as more specifically set forth in the Settlement.

18 12. The Court expressly reserves the right to adjourn or continue the final approval  
19 hearing from time to time without further notice to class members. However, if a written objection is  
20 submitted, class counsel and the settlement administrator shall notify such objecting class member(s)  
21 of the new date and time set for the final approval hearing.

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23 IT IS SO ORDERED.

24  
25 Date: OCT 21 2022

**Eddie C. Sturgeon, Judge**

The Honorable Eddie C. Sturgeon  
Judge of the Superior Court of California