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**FILED**  
Clerk of the Superior Court

**DEC 09 2022**

By: M. David, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**

JON WOOD, as an individual and on behalf  
of all others similarly situated,

Plaintiff,

vs.

2018HMO LLC dba HIKEI MODERN  
CANNABIS; 2018HMPF LLC; AARON  
MAGAGNA, an individual; MICHAEL  
STRATMAN, an individual; and DOES 1  
through 50, inclusive,

Defendants.

Case No. 37-2021-00053035-CU-OE-CTL

*Assigned to the Hon. Carlyn Caietti  
Dept. C-70*

**~~[Proposed]~~ Order Granting Plaintiff Jon  
Woods' Motion for Preliminary Approval of  
Class Action Settlement**

Motion for Prelim. App.

Date: December 9, 2022

Time: 10:30 A.M.

Judge: Hon. Carolyn Caietti

Courtroom: C-70

Action Filed: Dec. 20, 2021

CMC Date: April 21, 2023

Trial Date: Not Set

1 This matter came on for hearing on December 9, 2022 in Department C-70 of the above-  
2 captioned Court on Plaintiff's Motion Preliminary Approval of Class Action Settlement ("Motion").  
3 Having fully reviewed the Motion, the supporting Memorandum of Points and Authorities,  
4 Declaration of Rick A. Waltman (and its exhibits), the Class Action and PAGA Settlement  
5 Agreement ("Settlement"), the proposed Notice of Class Action Settlement and Request for  
6 Exclusion forms attached as exhibits 2 and 3 to the Declaration of Rick A. Waltman, and in  
7 recognition of the Court's duties (to make a preliminary determination as to the reasonableness of any  
8 proposed class action settlement; to ensure proper notice is provided to all Class Members in  
9 accordance with due process requirements; and to set a Final Approval Hearing to consider the good  
10 faith, fairness, adequacy and reasonableness of the proposed Settlement), THE COURT MAKES  
11 THE FOLLOWING DETERMINATIONS AND ORDERS:

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

23 2. The Court finds on a preliminary basis the Settlement, attached to the Declaration of  
24 Rick A. Waltman as Exhibit 1, incorporated by this reference in full, and made a part of this Order of  
25 preliminary approval, appears to be within the range of reasonableness of a settlement which could  
26 ultimately be given final approval by this Court.

27 3. It appears to the Court on a preliminary basis: (a) the non-reversionary Gross  
28 Settlement Amount is fair and reasonable to Class Members when balanced against the probable

1 outcome of further litigation relating to class certification, liability and damages issues, and potential  
2 appeals; (b) significant investigation, research, and informal discovery, have been conducted such  
3 that counsel for the Parties are able to reasonably evaluate their respective positions; (c) settlement at  
4 this time will avoid substantial costs, delay, and risks presented by further prosecution of the  
5 litigation; and (d) the proposed Settlement was reached through intensive, serious, and non-collusive  
6 negotiations facilitated by an experienced mediator.

7 4. Accordingly, good cause appearing, the Motion for Order Granting Preliminary  
8 Approval of Class Action Settlement is GRANTED, and the Court incorporates the Settlement.

9 5. Class Members are therefore defined pursuant to the terms set forth in the Settlement.

10 6. The Court further finds the proposed Notice of Class Action Settlement, ("Class  
11 Notice") fairly and adequately advises Class Members of (a) pendency of the Class Action  
12 Settlement; (b) conditional Class certification for settlement purposes only; (c) preliminary Court  
13 approval of the proposed Settlement; (d) the date, time and place of the Final Approval Hearing;  
14 (e) the terms of the proposed Settlement and the benefits available to Class Members under the  
15 Settlement; (f) their right to receive a proportionate share of the Net Settlement Amount without the  
16 need to return a claim form; (g) their right to request exclusion, and the procedures and deadline for  
17 doing so; (h) their right to object to the Settlement, and the procedure and deadline for doing so; and  
18 (i) their right to file documents in opposition to the Settlement, and appear at the Hearing.

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

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

27 9. Accordingly, it is ORDERED that:  
28

1           A. Phoenix Settlement Administrators be appointed the Settlement Administrator  
2 to administer the Settlement of this matter as more specifically set forth in the Settlement;

3           B. Ferraro Vega Employment Lawyers, Inc. and Rick Waltman Law, APC be  
4 appointed as Class Counsel;

5           C. Plaintiff Jon Wood be preliminarily appointed as the Class Representative;

6           D. Within fifteen (15) calendar days (or, if that date falls on a weekend or holiday,  
7 the next business day) after the date the Court grants preliminary approval of the Settlement,  
8 Defendant shall provide to the Settlement Administrator for each Class Member the following  
9 information in a Microsoft Office Excel format: (1) first and last name; (2) last known mailing  
10 address; (3) social security number; (4) hire and termination dates; and (5) the total number of weeks  
11 during which the Class Member performed any actual work during the Class Period as a member of  
12 the Class and PAGA Period, as applicable, as a PAGA Member ("Class Data");

13           E. Within fourteen (14) calendar days after its receipt of the Class Data, the  
14 Settlement Administrator shall mail the Notice Packet to each member of the Class by first class,  
15 regular U.S. mail, using the most current mailing address information available, with measures taken  
16 for updating an address as provided by the terms of the Settlement.

17           F. On or before sixty (60) calendar days from the date the Settlement  
18 Administrator first mails the Notice Packet to Class Members (or, if the 60th day falls on a Sunday or  
19 holiday, the next business day that is not a Sunday or holiday) (the "Response Deadline"), Class  
20 Members who wish to exclude themselves from the Class must submit a written request for exclusion  
21 in the manner set forth in the Class Notice. Class Members who fail to submit a valid and timely  
22 written Request for Exclusion on or before the Response Deadline shall be Settlement Class Members  
23 who are bound by all terms of the Settlement and any final judgment entered in this Action if the  
24 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 Plaintiff/Class Representative, may send a written and signed notice of objection in the manner set  
28 forth in the Class Notice, stating what aspects of the Settlement they object to, why they object, any

1 facts in support of their objections, their name, current address, telephone number, and approximate  
2 dates of employment.

3 H. On or before the Response Deadline, Class Members who wish to dispute the  
4 information upon which their Settlement Payment will be calculated must postmark and return to the  
5 Administrator an explanation in writing describing why he or she believes the information is wrong,  
6 along with any supporting information and/or documentation as described in the Class Notice. Class  
7 Members who received a re-mailed Notice Packet shall have their Response Deadline extended  
8 fourteen calendar (14) days from the original Response Deadline.

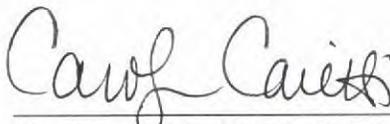
9 10. IT IS FURTHER ORDERED that the Final Approval Hearing shall be held before the  
10 undersigned at April 14, 2023 on 1, <sup>2023 at 10:30</sup> ~~2022~~ in Department C-70 of the  
11 Superior Court of California, County of San Diego located at 330 West Broadway, San Diego,  
12 California 92101 to consider the fairness, adequacy, and reasonableness of the proposed Settlement  
13 preliminarily approved by this Order of Preliminary Approval, and to consider the application for a  
14 Service Payment to the Class Representative, Settlement Administrator expenses, and for Class  
15 Counsel's attorneys' fees and litigation expenses incurred.

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

21 12. The Court expressly reserves the right to adjourn or continue the Final Approval  
22 Hearing from time to time without further notice to Class Members. However, if written objections  
23 are submitted, Class Counsel shall notify such objecting Class Members of the new date and time set  
24 for the Final Approval Hearing.

25 IT IS SO ORDERED.

26  
27 Date: 12/9/22

  
The Honorable Carolyn Caietti  
Judge of the Superior Court