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Attorneys for Plaintiff XAVIER HUNTER

Electronically Filed
Superior Court of California
County of Santa Cruz
December 15, 2022
Clerk of the Court by Deputy,
[Signature]
Balseiro, Declan

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SANTA CRUZ**

11
12 XAVIER HUNTER, on behalf of himself
13 and others similarly situated,

14 Plaintiff,

15 vs.

16
17 72 HOUR, LLC, a California limited
18 liability company, BOB WONDRIES
19 MOTORS, a California corporation; and
20 DOES 1 to 100, Inclusive,

21 Defendants.

Case No.: 22CV00661

Assigned for all Purposes to:
Hon. Timothy Volkman
Dept. 5

**[PROPOSED] ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL**

Date: December 15, 2022
Time: 8:30 a.m.
Dept.: 5

1 The Court, having read the papers filed regarding Plaintiff’s unopposed Motion for
2 Preliminary Approval of Class Action Settlement, and having heard argument regarding the
3 Motion on December 15, 2022, hereby finds and ORDERS as follows:

4 1. The Stipulation of Class Action Settlement and Release (“Settlement Agreement”)
5 attached as Exhibit 1 to the Declaration of Zachary M. Crosner in support of Plaintiff’s unopposed
6 Motion for Preliminary Approval of Class Action Settlement, filed on or about November 14,
7 2022, is within the range of possible recovery and, subject to further consideration at the Final
8 Approval Hearing described below, is preliminarily approved as fair, reasonable, and adequate;

9 2 For purposes of settlement only, the Court provisionally and conditionally certifies
10 the following class: “All individuals employed by Defendant 72 Hour, LLC doing business as
11 Watsonville Ford, Chevrolet of Watsonville, National Truck Sales and Service, Watsonville
12 Buying Center, Monterey Bay Chrysler Dodge Jeep Ram, National Auto Fleet Group, and Mid
13 Bay Ford Lincoln (“72 Hour”) as an hourly paid, non-exempt employee in the State of California
14 from March 30, 2018, through September 19, 2022.”

15 3. The Court finds the Settlement Class, consisting of approximately 175 members, is
16 so numerous that joinder of all members is impracticable, and that the Settlement Class is
17 ascertainable by reference to the business records of defendant 72 Hour.

18 4. The Court finds further there are questions of law and fact common to the entire
19 Settlement Class, which common questions predominate over any individualized questions of law
20 or fact. These common questions include, without limitation: (1) whether 72 Hour paid
21 Settlement Class Members for all hours worked (2) whether 72 Hour provided Settlement Class
22 Members with all required meal and rest periods, and/or paid proper premium wages for any
23 missed, late, or interrupted meal or rest periods; (3) whether 72 Hour provided Settlement Class
24 Members with proper itemized wage statements, and (4) whether 72 Hour paid the Settlement
25 Class Members all wages due on separation of employment.

26 5. The Court finds further the claims of named Plaintiff Xavier Hunter are typical of
27 the claims of the Settlement Class, and that he will fairly and adequately protect the interests of the
28 Settlement Class. Accordingly, the Court appoints Xavier Hunter as the Class Representative, and

1 appoints his counsel of record, Zachary M. Crosner, Michael Crosner, and Jamie Serb, and
2 Crosner Legal, PC, as Class Counsel.

3 6. The Court finds further that certification of the Settlement Class is superior to other
4 available means for the fair and efficient adjudication of the controversy.

5 7. The Court finds further that, in the present case, the proposed method of providing
6 notice of the Settlement to the Settlement Class via First Class U.S. Mail to each Settlement Class
7 Member's last known address, is reasonably calculated to notify the Settlement Class Members of
8 the proposed Settlement and provides the best notice possible under the circumstances. The Court
9 also finds the Notice of Class Action Settlement form is sufficient to inform the Settlement Class
10 Members of the terms of the Settlement and their rights thereunder, including the right to object to
11 the Settlement or any part thereof and the procedure for doing so, their right to exclude themselves
12 from the Settlement and the procedure for doing so, their right to obtain a portion of the
13 Settlement proceeds, and the date, time and location of the Final Approval Hearing. The proposed
14 Notice of Class Action Settlement (Exhibit A to the Settlement Agreement) and the procedure for
15 providing Notice set forth in the Settlement Agreement, are approved by the Court.

16 8. Under the terms of the Settlement Agreement, the Court approves the Parties'
17 selection of Phoenix Settlement Administrators as the Settlement Administrator. The Settlement
18 Administrator is ordered to mail the Class Notice to the Settlement Class Members via First-Class
19 U.S. Mail as specified in the Settlement Agreement, and to otherwise carry out all other duties set
20 forth in the Settlement Agreement. The Parties are ordered to carry out and comply with all terms
21 of this Order and the Settlement Agreement, and particularly with respect to providing the
22 Settlement Administrator all information necessary to perform its duties under the Settlement
23 Agreement.

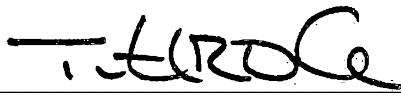
24 9. Any member of the Settlement Class who wishes to comment on or object to the
25 Settlement or any term thereof, including any proposed award of attorney's fees and costs to Class
26 Counsel or any proposed representative enhancement to the Class Representative, shall have forty
27 five (45) days from the mailing of the Class Notice to submit his or her comments and/or objection
28 to the Settlement Administrator, as set forth in the Settlement Agreement and Class Notice.

1 10. A Final Approval Hearing is hereby set for May 5, 2023, at 8:30 a.m. in
2 Department 5 of the Santa Cruz County Superior Court, to consider any objections to the
3 Settlement, determine if the proposed Settlement should be found fair, adequate and reasonable
4 and given full and final approval by the Court, and to determine the amount of attorney's fees and
5 costs awarded to Class Counsel, the amount of any representative enhancement award to the Class
6 Representative, and to approve the fees and costs payable to the Settlement Administrator. All
7 legal memoranda, affidavits, declarations, or other evidence in support of (1) the motion for final
8 approval, the enhancement award to the Class Representative, and the fees and costs of the
9 Settlement Administrator, and (2) the motion for an award of attorney's fees and costs to Class
10 Counsel, shall be filed no later than sixteen (16) court days prior to the Final Approval Hearing.
11 The Court reserves the right to continue the Final Approval Hearing without further notice to the
12 Settlement Class Members.

13 11. Provided he or she has not submitted a timely and valid Request for Exclusion, any
14 Settlement Class Member may appear, personally or through his or her own counsel, and be heard
15 at the Final Approval Hearing regardless of whether he or she has submitted a written objection.
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Dated: 12/15/2022 1:58:39 PM



Judge of the Superior Court
Timothy Volkmann