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and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ETHAN TROUPE, on behalf of himself
and all "aggrieved employees" pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

AZURELITE, INC., a California
corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 21CMCV00282

*Assigned to the Honorable George F. Bird, Jr.,
Dept. B*

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

DATE: March 10, 2023

TIME: 8:30 a.m.

DEPT.: B

Action Filed: October 28, 2021

Plaintiff Ethan Troupe's ("Plaintiff") Unopposed Motion for Preliminary Approval of Class Action Settlement and for Leave to File First Amended Complaint came on for hearing before this Court in Department B, Judge George F. Bird, Jr. presiding, on March 10, 2023. The Court, having considered the papers submitted in support of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

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1 1. The Court grants preliminary approval of the settlement based upon the terms set
2 forth in the Class Action and PAGA Settlement Agreement (“Settlement”) filed with the Court.
3 The settlement appears to be fair, adequate, and reasonable to the Class;

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

7 3. The Court approves, as to form and content, the Court Approved Notice of Class
8 Action Settlement and Hearing Date for Final Court Approval (“Notice”), and also approves the
9 procedure for members of the Class to opt-out from or object to the Settlement, as set forth in the
10 Notice;

11 4. The Court directs the mailing of the Notice by first class mail to the Class Members
12 in accordance with the schedule set forth below. The Court finds that the dates selected for the
13 mailing and distribution of the Notice, as set forth herein, meet the requirements of due process and
14 provide the best notice practicable under the circumstances and shall constitute due and sufficient
15 notice to all persons entitled thereto;

16 5. It is ordered that the Settlement Class is preliminarily certified for settlement
17 purposes only. The “Settlement Class” is defined as follows: all persons employed by Defendant,
18 Azurelite, Inc. (“Defendant”), in California and classified as nonexempt employees who worked
19 for Defendant during the Class Period [October 5, 2018 to November 5, 2022];

20 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
21 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys’ fees
22 of up to 33-1/3% of the Gross Settlement Amount (or \$50,000), plus \$15,070, and documented
23 litigation costs of up to \$15,000 to Class Counsel, subject to final approval by the Court following
24 a further motion by Class Counsel;

25 7. The Court approves and appoints Plaintiff Ethan Troupe as the Class Representative
26 and grants preliminary approval to a proposed Class Representative Service Payment in an amount
27 not to exceed \$10,000;

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1 8. The Court grants preliminary approval of the allocation of \$15,000 to penalties
2 under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$11,250)
3 shall be paid to the LWDA and 25% (\$3,750) shall be paid to the Aggrieved Employees;

4 9. The Court hereby approves and appoints Phoenix Settlement Administration as the
5 Administrator and grants preliminary approval of the payment of fees and other charges of the
6 Administrator in an amount not to exceed \$11,000;

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

10 11. The Court orders the following schedule of dates for the specified actions/further
11 proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant shall provide to the Administrator a list of all Class Members, including Class Member's name, last-known mailing address, Social Security number, and number of Class Period Workweeks and PAGA Pay Periods ("Class Data")	15 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Administrator to mail Notice to Class Members	14 calendar days after Administrator's receipt of Class Data
Last day for Class Members to submit a written request for exclusion to the 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 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	10 calendar days before the final settlement approval hearing date
Last day for Class Counsel to file with the Court and serve declaration by Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days before the final settlement approval hearing date

<u>EVENT</u>	<u>TIMING</u>
Final settlement approval hearing	_____, 2023, at _____.m. (approximately 95 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT