

**ELECTRONICALLY RECEIVED**  
Superior Court of California,  
County of San Diego  
**06/29/2023** at 09:35:31 AM  
Clerk of the Superior Court  
By Malka Manneh, Deputy Clerk

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

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10 RAQUEL CARO SANTIAGO, *et al.*,

11 Plaintiffs,

12 v.

13  
14 SOUTHWEST KEY PROGRAM, *et al.*,

15 Defendants.

Case No. 37-2022-00021991-CU-OE-CTL

*Hon. Timothy B. Taylor*  
*Dept. 72*

**CLASS ACTION**

**[Proposed] Order Granting Preliminary  
Approval of Class Action Settlement**

Motion for Prelim. App. Hearing

Date: July 28, 2023

Time: 1:30 p.m.

[Filed concurrently with Notice of Motion and  
Motion for Preliminary Approval of Class Action  
Settlement, Memorandum of Points and Authorities,  
and Declaration Nicholas J. Ferraro]

Action Filed: June 8, 2022

1 This matter came on for hearing on July 28, 2023 at 1:30 p.m. in Department 72 of the above-  
2 captioned Court on Plaintiffs’ Motion Preliminary Approval of Class Action Settlement (“Motion”).

3 Having fully reviewed the Motion, the supporting Memorandum of Points and Authorities,  
4 Declaration of Nicholas J. Ferraro (and its exhibits), including the class action settlement agreement  
5 (“Settlement”), and the class notice attached as an exhibit to the Settlement (“Class Notice”), and in  
6 recognition of the Court’s duties (to make a preliminary determination as to the reasonableness of any  
7 proposed class action settlement; to ensure proper notice is provided to all class members in accordance  
8 with due 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 following  
10 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 § 382 of the California Code of Civil  
13 Procedure: (a) the proposed class is ascertainable and so numerous joinder of all class members is  
14 impracticable; (b) there are questions of law or fact common to the proposed class, and a well-defined  
15 community of interest among members of the proposed class with respect to the subject matter of the  
16 class action; (c) the claims of the class representatives are typical of the claims of the members of the  
17 proposed class; (d) the class representatives appears to be adequate to serve in that role; (e) a class  
18 action is superior to other available methods for an efficient adjudication of this controversy in the  
19 context of settlement; and (f) counsel of record for the Plaintiffs are qualified to serve as class counsel.

20 2. The Court finds, on a preliminary basis, the Settlement, incorporated by this reference  
21 in full, and made a part of this Order, appears to be within the range of reasonableness of a settlement  
22 which could ultimately be given final approval by this Court.

23 3. The Court further finds, on a preliminary basis, (a) the non-reversionary Gross  
24 Settlement Amount is fair and reasonable to the class when balanced against the probable outcome of  
25 further litigation relating to class certification, liability and damages issues, and potential appeals;  
26 (b) sufficient investigation, research, and informal discovery, have been conducted such that counsel  
27 for the parties are able to reasonably evaluate their respective positions; (c) settlement at this time will  
28 avoid substantial costs, delay, and risks presented by further prosecution of the litigation; and (d) the

1 proposed Settlement was reached through prudent and non-collusive negotiations facilitated by an  
2 experienced mediator.

3 4. Accordingly, good cause appearing, the Motion for Order Granting Preliminary  
4 Approval of Class Action Settlement is **GRANTED**.

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

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

14 7. The Court further finds the proposed Class Notice provides the best practicable notice  
15 to the class and comports with the constitutional requirements, including those of due process.

16 8. The Court further finds that mailing of the Class Notice to the last known address of all  
17 class members with measures taken for verification of an address and skip tracing of bad addresses, as  
18 specifically described within the Settlement, constitutes an effective method of notifying class members  
19 of their rights with respect to the class action and the Settlement.

20 9. Accordingly, for good cause, the Court **APPROVES** the Class Notice for distribution  
21 to the Class pursuant to the notice procedures set forth in full in the Settlement.

22 Accordingly, it is **ORDERED** that:

23 a. Phoenix Settlement Administration be appointed the Administrator of the  
24 Settlement, as more specifically set forth in the Settlement;

25 b. Ferraro Vega Employment Lawyers be appointed as class counsel;

26 c. Plaintiffs Raquel Caro Santiago and Steve Lopez be appointed as class  
27 representatives;

1 d. All deadlines, terms, and conditions set forth in the Settlement incorporated by  
2 reference into this Order shall apply and govern the notice procedure and response deadlines;

3 e. Any class member who desires to object may appear in Court at the Final  
4 Approval Hearing to present oral objections;

5 f. If for any reason the Court does not execute and file an Order Granting Final  
6 Approval of Class Action Settlement, or if the Effective Date, as defined in the Settlement, does not  
7 occur for any reason whatsoever, the Settlement and the proposed Settlement that is the subject of this  
8 Order, and all evidence and proceedings had in connection therewith, shall be restored without  
9 prejudice to the *status quo ante*, pursuant to the terms set forth in the Settlement.

10 10. **IT IS FURTHER ORDERED** that the Final Approval Hearing shall be held before the  
11 undersigned at \_\_\_\_\_ [hearing time] on \_\_\_\_\_ [hearing date], in this  
12 Department.

13 11. At the Final Approval Hearing, the Court will consider the fairness, adequacy, and  
14 reasonableness of the proposed Settlement preliminarily approved in his Order and the notice process  
15 to be effectuated, and to consider the application for class representative service payments to the class  
16 representative, the administration expenses, attorneys' fees, and costs.

17 12. The Court reserves the right to continue the Final Approval Hearing without further  
18 notice to the class. However, if written objections are submitted, class counsel is ordered to serve  
19 notice on any such objecting class member of the new date and time of the Final Approval Hearing.

20  
21 **IT IS SO ORDERED.**

22  
23 Date: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Timothy B. Taylor  
Judge of the Superior Court