

FILED
Superior Court of California
County of Los Angeles

AUG 18 2023

David W. Slayton, Executive Officer/Clerk of Court

By: L. M'Greene, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

BRENDA CASTILLO, individually, on behalf
of herself and all others similarly situated,

Plaintiff,

v.

CENTURY GROUP PROFESSIONALS, LLC,
a California limited liability company; and DOES
1 through 100, inclusive,

Defendants.

CASE NO.: 20STCV37259
[Unlimited Jurisdiction]

*Assigned for all purposes to the
Honorable Carolyn B. Kuhl, Dept. 12*

CLASS ACTION

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

Date: August 18, 2023
Time: 1:45 p.m.
Dept.: 12

Action Filed: September 9, 2020
FAC Filed: October 13, 2020
SAC Filed: May 10, 2023
Trial date: Not set

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Plaintiff BRENDA CASTILLO (“Plaintiff”) and Defendant CENTURY GROUP
3 INTERNATIONAL, LLC (collectively “Defendant”) have reached terms of settlement for a putative class
4 action.

5 Plaintiff has filed a first amended motion for preliminary approval of a class action settlement of
6 the claims asserted against Defendant in this action, memorialized in the CLASS ACTION AND
7 PRIVATE ATTORNEYS GENERAL ACT (LABOR CODE § 2698, et seq.) SETTLEMENT
8 AGREEMENT (see SUPPLEMENTAL DECLARATION OF JORES KHARATIAN IN SUPPORT OF
9 PLAINTIFF’S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT
10 [“Kharatian Decl.”], at Exh. B). The CLASS ACTION AND PRIVATE ATTORNEYS GENERAL ACT
11 (LABOR CODE § 2698, et seq.) SETTLEMENT AGREEMENT is referred to herein as the “Agreement”
12 or “Settlement.”

13 After reviewing the Agreement, the Notice process, and other related documents, and having heard
14 the argument of Counsel for respective parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

15 1. The Court preliminarily finds that the terms of the proposed class action Settlement are
16 fair, reasonable, and adequate, pursuant to California Code of Civil Procedure § 382. In granting final
17 approval of the class action settlement the Court has considered the factors identified in *Dunk v. Ford*
18 *Motor Co.*, 48 Cal. App. 4th 1794 (1996), as approved in *Wershba v. Apple Computer, Inc.*, 91 Cal.
19 App. 4th 224 (2001) and *In re Microsoft IV Cases*, 135 Cal. App. 4th 706 (2006).

20 2. The Court finds that the Settlement has been reached as a result of intensive, serious and
21 non-collusive arms-length negotiations with the assistance of a neutral private mediator, Steven Pearl,
22 Esq. The Court further finds that the parties have conducted thorough investigation and research, and
23 the attorneys for the parties are able to reasonably evaluate their respective positions. The Court also
24 finds that settlement at this time will avoid additional substantial costs, as well as avoid the delay and
25 risks that would be presented by the further prosecution of the action. The Court finds that the risks of
26 further prosecution are substantial.

1 3. The parties' Settlement is granted preliminary approval as it meets the criteria for
2 preliminary settlement approval. The Court finds that it is appropriate to notify the members of the
3 proposed settlement Class of the terms of the proposed settlement.

4 4. The parties' proposed notice plan is constitutionally sound because individual notices will
5 be mailed to all Class Members whose identities are known to the parties, and such notice is the best notice
6 practicable. The parties' proposed Class Notice (SUPPLEMENTAL DECLARATION OF JORES
7 KHARATIAN IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF
8 CLASS ACTION SETTLEMENT, Exhibit A) is sufficient to inform Class Members of the terms of the
9 Settlement, their rights under the settlement, their rights to object to the Settlement, their right to receive a
10 payment under the settlement or elect not to participate in the settlement, and the processes for doing so,
11 and the date and location of the final approval hearing and are therefore approved.

12 5. The following persons are certified as Class Members solely for the purpose of entering
13 a settlement in this matter:

14 all persons employed by CGP in California as hourly paid, nonexempt
15 employees who worked for CGP during the Class Period, and who did not sign
16 an arbitration agreement with an express class action waiver, including but not
17 limited to, the CA Universal At-Will Employment Dispute and Arbitration
18 Agreement, Century Group Professionals, LLC Arbitration Agreement, Century
19 Group Professionals, LLC Voluntary Arbitration Agreement, and (CA) Century
20 Group Professionals LLC Arbitration Agreement.

21 6. Plaintiff BRENDA CASTILLO is appointed the Class Representative. The Court finds
22 Plaintiff's counsel are adequate, as they are experienced in wage and hour class action litigation and
23 have no conflicts of interest with absent Settlement Class Members, and that they adequately
24 represented the interests of absent class members in the Litigation. Jores Kharatian of Kharatian Law,
25 APC is appointed Class Counsel.

26 7. The Court appoints Phoenix Settlement Administrators to act as the Settlement
27 Administrator, pursuant to the terms set forth in the Agreement.

28 8. Class Members will be bound by the Agreement unless they submit a timely and valid
written request to be excluded from the Settlement within 45 days after mailing of the Class Notice by
Defendant or, and in the case of a re-mailed Notice, forty- five (45) days from the original distribution

1 or fourteen (14) days from the date of re-mailing, whichever is greater, or in accordance with the terms
2 of the Agreement.

3 9. Any Exclusion Form shall be submitted to the Settlement Administrator rather than
4 filed with the Court. Class members are not required to send copies of the Exclusion Form to counsel.
5 The Settlement Administrator shall file a declaration concurrently with the filing of any motion for final
6 approval, authenticating a copy of every Exclusion Form received by the administrator.

7 10. Prior to the Final Approval Hearing, Plaintiff shall file a motion for final approval of the
8 settlement.

9 11. Defendant is directed to provide the Settlement Administrator the names and most
10 recent known mailing addresses of Settlement Class Members, and any other information required in
11 accordance with the Agreement.

12 12. The Settlement Administrator is directed to mail the approved Class Notice by first-
13 class mail to the Class Members in accordance with the Agreement.

14 13. A final approval hearing will be held on 2/21/2024, 2023, at
15 11:00 AM, in Department 12, to determine whether the settlement should be granted final
16 approval as fair, reasonable, and adequate as to the Class Members. At that time, the Court will hear all
17 evidence and arguments necessary to evaluate the Settlement. Class Members and their counsel may
18 support or oppose the Settlement, if they so desire, in accordance with the procedures set forth in the
19 Class Notice and this Order.

20 14. As set forth in the Notice, any Class Member may appear at the final approval hearing
21 in person or by his or her own attorney and show cause why the Court should not approve the
22 settlement, or object to the motion for awards of the Class Representative Enhancement Award and
23 Attorney's Fees and Costs. For any written comments or objections to be considered at the hearing, the
24 Class Member must submit a written objection in accordance with the deadlines set forth in the Class
25 Notice, or as otherwise permitted by the Court.

26 15. Any written objection shall be submitted to the Settlement Administrator rather than
27 filed with the Court. Class members are not required to send copies of the Objection Form to counsel.
28

1 The Settlement Administrator shall file a declaration concurrently with the filing of any motion for final
2 approval, authenticating a copy of every Objection Form received by the administrator.

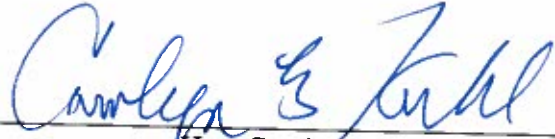
3 16. The Court reserves the right to continue the date of the final approval hearing without
4 further notice to Class Members.

5 17. Class Counsel shall give notice to any objecting party of any continuance of the hearing
6 of the motion for final approval.

7 18. The Court retains jurisdiction to consider all further applications arising out of or in
8 connection with the settlement.

9
10 **IT IS SO ORDERED.**

11
12 Dated: Aug. 18, 2023



13 Hon. Carolyn B. Kuhl
14 Los Angeles County Superior Court Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 595 E. Colorado Blvd., Suite 210.

On the date executed below, I electronically served the document via Case Anywhere described as described as: **[PROPOSED] ORDER GRANTING PLAINTIFF'S FIRST AMENDED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the recipients designated on the Case Anywhere website and listed below:

Boris Sorsher, Bar No.
bsorsher@fisherphillips.com
Lyle M. Chan, Bar No.
lchan@fisherphillips.com
Fisher & Phillips LLP
2050 Main Street, Suite 1000
*Attorneys for Defendant, Century
Group Professionals, LLC*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed August 18, 2023 at Pasadena, California.

Jores Kharatian