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6 Attorneys for Plaintiff
7 MARIA JIMENEZ individually,
and on behalf of others similarly
situated

FILED
Superior Court of California
County of Los Angeles
10/11/2023

David W. Slayton, Executive Officer / Clerk of Court
By: M. Fregoso Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

11 MARIA JIMENEZ, individually, and on behalf
12 of others similarly situated

13 Plaintiff,

14 vs.

15 BLUE AND YELLOW TAXI GROUP, INC., a
California Corporation; L.A. CHECKER CAB
16 COMPANY, INC., a California Corporation;
GLOBAL PARATRANSIT, INC., a California
17 Corporation; and DOES 1 through 50, inclusive,

18 Defendants.

Case No. 19STCV11731

[Assigned for all Purposes to the Honorable
Elihu M. Berle, Dept. SS-6]

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

Date: August 9, 2023
Time: 10:00 a.m.
Dept.: SS-6

Action Filed: December 29, 2020
Trial Date: None set

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1 Plaintiff Maria Jimenez’s (“Plaintiff”) Motion for Preliminary Approval of Class and
2 Representative Action Settlement in Los Angeles County Superior Court Case No.
3 19STCV11731 (“the Action”) came on regularly for hearing before this Court on October 9, 2023
4 at 10:00 a.m. in Department SS-6 of the Los Angeles County Superior Court. Having reviewed
5 Plaintiff’s motion, the Declaration of Mikael H. Stahle and exhibits thereto, including the
6 Amended Joint Stipulation for Class Action and PAGA Settlement (“Stipulation”), and the
7 Declaration of Maria Jimenez, and good cause appearing, the Court hereby finds and orders as
8 follows:

9 1. The Court finds on a preliminary basis that the settlement memorialized in the
10 Stipulation appears to be fair, adequate, and reasonable, falls within the range of reasonableness,
11 and therefore meets the requirements for preliminary approval.

12 2. The Court provisionally certifies the following class (“Class”) for settlement
13 purposes only:

14 All current and former non-exempt hourly
15 employees of Defendant within California at any
16 time during the Class Period (“Employed Class
17 Members”); and 2) such taxicab drivers who were
18 not treated as employees, but rather as independent
19 contractors, by Global Paratransit and who accepted
20 Access trips through Global Paratransit during the
21 Class Period (“Taxi Class Members”).

22 3. The Court finds, for settlement purposes only, that the Class meets the
23 requirements for certification under Code of Civil Procedure section 382 in that: (1) the Class is
24 so numerous that joinder is impractical; (2) there are questions of law and fact that are common to
25 all Class Members which predominate over individualized issues; (3) Plaintiff’s claims are typical
26 of the claims of the Class; (4) Plaintiff and Plaintiff’s counsel will fairly and adequately protect
27 the interests of the Class; and (5) a class action is superior to other available methods for the fair
28 and efficient adjudication of the controversy.

4. The Court appoints, for settlement purposes only, Plaintiff as the class
representative.

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1 5. The Court appoints, for settlement purposes only, Matthew J. Matern and Mikael
2 H. Stahle of Matern Law Group, PC as Class Counsel.

3 6. The Court appoints CPT Group, Inc. as the Settlement Administrator.

4 7. The Parties are ordered to carry out the settlement according to the terms of the
5 Stipulation.

6 8. The Court approves, as to form and content, the Notice of Class Action Settlement
7 (“Class Notice”), attached as Exhibit A to the Stipulation. The Court finds that the notice plan is
8 the best means practicable under the circumstances for providing notice to the Class Members,
9 and when contemplated, shall constitute due and sufficient notice of the class action, proposed
10 settlement, and the final approval hearing to all persons entitled to such notice, in full compliance
11 with due process and the notice requirements of Code of Civil Procedure section 877.6.

12 9. Pending the Final Approval hearing, all proceedings in the Action, except those
13 proceedings necessary to implement and complete the Settlement and carry out or enforce the
14 terms and conditions of the Stipulation and this Order, and enter the Final Order and Judgment,
15 are stayed. The five (5) year statute of limitations prescribed by Code of Civil Procedure section
16 583.310, is tolled, pending entry of an order granting final approval of the Settlement or a final
17 order denying approval of the Settlement.

18 10. The Court orders the following implementation schedule:

19 Last day for Defendant to provide Class 20 Member data to Settlement Administrator	October 30, 2023
21 Last day for Settlement Administrator to mail 22 Notice Packets to Class Members	November 13, 2023
23 Last day to file and serve Motion for Final 24 Approval	December 13, 2023
25 Last day for Class Members to object to 26 Settlement, request exclusion therefrom, or 27 dispute dates of employment	January 12, 2024
28 Last day for Parties to respond to objections	February 2, 2024

1 Last day to file declaration of Administrator regarding status of settlement administration	February 2, 2024
3 Final Approval Hearing	February 14, 2024 at 10:00 a.m. in Department SS-6

5 11. In the event Final Approval is denied, this Order will be null and void. No class
6 will be certified and all other orders contained herein will be null and void.

8 **IT IS SO ORDERED.**

9 DATED: _____ ~~FEFFEH~~



10 **Elihu M. Berle**

11 Hon. Elihu M. Berle
12 JUDGE OF THE SUPERIOR COURT
13 Elihu M. Berle / Judge

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1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age
3 of 18 years, and not a party to this action. My business address is 1230 Rosecrans Avenue,
Suite 200, Manhattan Beach, California 90266.

4 On **October 10, 2023**, I served the following document or documents:

5 **[PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION FOR PRELIMINARY**
6 **APPROVAL OF CLASS AND REPRESENTATIVE ACTION SETTLEMENT**

7 **By e-mail or electronic transmission.** I caused the documents to be sent to the person at
8 the e-mail addresses listed below. I did not receive, within a reasonable time after the
transmission, any electronic message or other indication that the transmission was
9 unsuccessful.

<p>10 Kevin V. DeSantis, Esq. James A. McFaul, Esq. John E. Solis, Esq. 11 DUNN DESANTIS WALT & 12 KENDRICK, LLP 750 B Street, Suite 2620 San Diego, CA 92101 Telephone: (619) 573-4488 Facsimile: (619) 255-4868 13 kdesantis@ddwklaw.com 14 jmcfaul@ddwklaw.com 15 jsolis@ddwklaw.com 16</p>	<p>Attorney for Defendants L.A. CHECKER CAB COMPANY, INC., BLUE AND YELLOW TAXI GROUP, INC., and ACCESS SERVICES</p>
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18 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

19 Executed on **October 10, 2023** at Willimantic, Connecticut.

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22 Alex Phornprapha

Alex Phornprapha