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16 Attorneys for Plaintiffs

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **IN AND FOR THE COUNTY OF ORANGE**

19 AMANDA SUTTON, an individual; ) Case No.: 30-2013-00661591-CU-OE-CXC  
20 MELANIE POOL, an individual; JENNIFER ) (Assigned for all purposes to Hon. Kim G.  
21 CARILLO (formerly JENNIFER LEAKE), an ) Dunning, Dept. CX 104)  
22 individual; and SANDRA NGUYEN, an )  
23 individual; and ANGEL GONZALEZ, an ) **[PROPOSED] ORDER CONDITIONALLY**  
24 individual, individually, and acting for the ) **CERTIFYING CLASS AND GRANTING**  
25 interests of other current and former ) **PRELIMINARY APPROVAL OF CLASS**  
26 employees, and on behalf of the general ) **ACTION SETTLEMENT**  
27 public, )

28 Plaintiffs, ) Date of Hearing: May 9, 2018  
v. ) Time of Hearing: 1:30 p.m.  
Dept.: CX 104 )

29 COMPREHENSIVE EDUCATIONAL ) Complaint Filed: July 5, 2013  
30 SERVICES, INC., a California Corporation ) Trial Date: None  
31 dba ACES, INC.; and DOES 1 through 50, )  
32 inclusive, )  
33 Defendants. )

1 Having considered the arguments of Counsel, and having reviewed Plaintiffs' Motion for  
2 Preliminary Approval of Class Action Settlement, filed March 2, 2018, along with the pleadings,  
3 papers and other documents on file in this Action, the Court hereby ORDERS that:

4 1. The proposed class consisting of "All current and former employees of ACES who  
5 have held the positions of Behavioral Support Specialist ("BSS"); Behavioral Education Assistant  
6 ("BEA"); or Supervisor within the State of California at any point from July 5, 2009 through  
7 preliminary approval of this settlement" is **CONDITIONALLY CERTIFIED** for settlement  
8 purposes.

9 2. The Court finds on a preliminary basis that the settlement memorialized in the  
10 Settlement Agreement is fair, adequate, and reasonable, and the settlement amount falls within  
11 the "ballpark of reasonableness" as required by *Kullar v. Foot Locker Retail, Inc.*, 168 Cal. App.  
12 4th 116, 133 (2008), such that it meets the requirements for preliminary approval.

13 3. Amanda Sutton, Melanie Pool, Jennifer Carrillo (formerly Jennifer Leake), Sandra  
14 Nguyen, and Angel Gonzalez are appointed as Class Representatives.

15 3. Kevin Schwin, Briana M. Kim, and Alireza Alivandivafa are appointed as Class  
16 Counsel.

17 4. Preliminary approval of a settlement of claims as set forth in the Settlement  
18 Agreement in which Defendant has agreed to a gross settlement payment of up to \$2,425,000  
19 (Two Million Four Hundred Twenty Five Thousand dollars), with an estimated distribution of  
20 \$1,359,166.70 to class members who do not opt-out; up to \$808,333.33 to class counsel as  
21 attorneys' fees and up to \$25,000 to class counsel as costs; up to \$37,500 to Amanda Sutton,  
22 Melanie Pool, Jennifer Carrillo (formerly Jennifer Leake), Sandra Nguyen, and Angel Gonzalez  
23 as class representative service awards (maximum \$7,500 each); and up to \$20,000 to CPT Group,  
24 Inc. in settlement administration costs is **GRANTED**.

25 5. Approval as to the form and content of the proposed Class Notice and the method  
26 of Notice is **GRANTED**. The Court finds that the notice requirements of California Rules of  
27 Court, Rule 3.766, subd. (d) and Rule 3.769, subd. (f) are satisfied, and that the Class Notice  
28 adequately advises Class Members of their rights under the Settlement Agreement, and is the best

1 practicable notice to the Class. Counsel for the Parties are authorized to correct any typographical  
2 errors in the Class Notice and to make clarifications, to the extent the same are found or needed,  
3 so long as such corrections do not materially alter the substance of the Class Notice.

4 6. CPT Group, Inc., is appointed as Settlement Administrator pursuant to the terms  
5 of the Settlement Agreement. The Settlement Administrator is ordered to carry out the Settlement  
6 according to the terms of the Settlement Agreement and in conformity with this Order, including  
7 disseminating the Notice according to the notice plan described in the Settlement Agreement.

8 7. A Final Approval hearing will be held on August 15, 2018, at 1:30 p.m., to  
9 determine whether the Settlement Agreement should be granted final approval as fair, reasonable,  
10 and adequate as to the Settlement Class Members. The Court reserves the right to continue the  
11 date of the Final Approval Hearing without further notice to Class Members. The Court retains  
12 jurisdiction to consider all further applications arising out of or in connection with the Settlement.

13 8. In the event the Settlement is not finally approved, or otherwise does not become  
14 effective in accordance within the terms of the Settlement, this Order shall be rendered null and  
15 void and shall be vacated, and the Parties shall revert to their respective positions as of before  
16 entering into the Settlement.

17 IT IS SO ORDERED.

18  
19 Date: \_\_\_\_\_

20  
21 Signed: \_\_\_\_\_  
22 Hon. Kim G. Dunning, Orange County Superior Court Judge  
23  
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28

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE</b> Civil Complex Center 751 W. Santa Ana Blvd Santa Ana, CA 92701	
<b>SHORT TITLE:</b> Sutton vs. Comprehensive Educational Services, Inc.	
<b>CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE</b>	<b>CASE NUMBER:</b> <b>30-2013-00661591-CU-OE-CXC</b>

I certify that I am not a party to this cause. I certify that a true copy of the above Minute Order dated 05/18/18 has been placed for collection and mailing so as to cause it to be mailed in a sealed envelope with postage fully prepaid pursuant to standard court practice and addressed as indicated below. This certification occurred at Santa Ana, California on 5/18/18. Following standard court practice the mailing will occur at Sacramento, California on 5/21/18.

ALIREZA ALIVANDIVAVA  
1925 CENTURY PARK EAST 1990  
LOS ANGELES, CA 90067

Clerk of the Court, by: Agunsa-H, Deputy

I certify that I am not a party to this cause. I certify that the following document(s), Minute Order dated 05/18/18, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on May 18, 2018, at 3:36:53 PM PDT. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

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**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE**

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF ORANGE  
CIVIL COMPLEX CENTER

MINUTE ORDER

DATE: 05/18/2018

TIME: 02:39:00 PM

DEPT: CX104

JUDICIAL OFFICER PRESIDING: Kim G. Dunning

CLERK: Antero Pagunsan

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: Nestor Peraza

CASE NO: **30-2013-00661591-CU-OE-CXC** CASE INIT.DATE: 07/05/2013

CASE TITLE: **Sutton vs. Comprehensive Educational Services, Inc.**

CASE CATEGORY: Civil - Unlimited      CASE TYPE: Other employment

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EVENT ID/DOCUMENT ID: 72815638

**EVENT TYPE:** Chambers Work

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**APPEARANCES**

There are no appearances by any party.

The Court having considered the arguments of Counsel, and having reviewed Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, filed 03/02/218, along with the pleadings, papers and other documents on file in this Action, the Court hereby orders that: The motion is **granted**.

The Court sets the Motion for Final Approval of Class Action Settlement for 08/15/2018 at 01:30 PM in this department.

The motion set for 05/23/2018 is ordered vacated.

The formal order was signed 05/15/2018.

The clerk is directed to electronically serve all counsel with a copy of this minute order.