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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 FERNANDO ALBERTO ACEVEDO,
13 ANTHONY GUZMAN, FERNANDO
14 HIPOLITO, and VANESSA OLMOS-CORTES,
15 individually, on behalf of all others similarly
16 situated, and on behalf of the State of California
17 and other aggrieved persons,

18 *Plaintiffs,*

19 v.

20 CROCS RETAIL, LLC, a limited liability
21 company; and DOES 1 through 10, inclusive,

22 *Defendants.*

FILED
Superior Court of California
County of Los Angeles
03/14/2025
David W. Stoyke, Executive Officer / Clerk of Court
By: E. Martinez Deputy

Case No.: 23STCV15354

CLASS & REPRESENTATIVE ACTION

[Assigned to: Hon. Elihu M. Berle, Dept. 6]

**~~REVISED [PROPOSED]~~ ORDER
GRANTING PLAINTIFFS MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

PRELIMINARY APPROVAL HEARING

Date: March 5, 2025

Time: 11:00 a.m.

Dept: 6

Complaint filed: June 30, 2023

FAC filed: December 20, 2024

Trial date: Not set

1 The Court has before it Plaintiffs Fernando Alberto Acevedo, Anthony Guzman,
2 Fernando Hipolito, and Vanessa Olmos-Cortes’ (collectively, “Plaintiffs”) Motion for
3 Preliminary Approval of Class Action Settlement. Having reviewed the Motion for Preliminary
4 Approval of Class Action Settlement, the Declarations of Arrash T. Fattahi (including the
5 Supplemental Declaration), Plaintiffs, Julie Green of CPT Group, Inc., and Stanley
6 Stringfellow, the Amended Class and PAGA Settlement Agreement (which is referred to here
7 as the “Amended Settlement Agreement”), and good cause appearing, the Court hereby finds
8 and orders as follows:

9 1. The Court finds on a preliminary basis that the Amended Settlement Agreement
10 appears to be fair, adequate, and reasonable and therefore meets the requirements for
11 preliminary approval. The Court grants preliminary approval of the Settlement and the
12 Settlement Class based upon the terms set forth in the Amended Settlement Agreement between
13 Plaintiffs and Defendant Crocs Retail, LLC (“Defendant” or “Crocs,” and together with
14 Plaintiffs, the “Parties”), attached to the Supplemental Declaration of Arrash T. Fattahi in
15 Support of Plaintiffs’ Motion for Preliminary Approval of Class Action & PAGA Settlement as
16 Exhibit 1.

17 2. The Settlement falls within the range of reasonableness of a settlement which
18 could ultimately be given final approval by this Court, and appears to be presumptively valid,
19 subject only to any objections that may be raised at the Final Approval Hearing and final
20 approval by this Court. The Court notes that Defendant has agreed to create a common fund of
21 \$1,000,000.00 to cover (a) settlement payments to class members who do not validly opt out;
22 (b) a \$10,000.00 payment to the State of California, Labor & Workforce Development Agency
23 (“LWDA”) for its share of the settlement of claims for penalties under the Private Attorneys
24 General Act (“PAGA”), 75% of which (\$7,500.00) being paid to the LWDA and 25%
25 (\$2,500.00) being paid to eligible Aggrieved Employees; (c) Class Representative service
26 payments of up to \$7,500.00 for each named Plaintiff (\$30,000.00 total); (d) Class Counsel’s
27 attorneys’ fees, not to exceed 1/3 of the Gross Settlement Amount (\$333,333.33), and up to
28 \$35,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement

Administration Costs of up to \$19,750.00.

3. The Court preliminarily finds that the terms of the Settlement appear to be within the range of possible approval, pursuant to California Code of Civil Procedure § 382 and applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair and reasonable to the class members when balanced against the probable outcome of further litigation relating to class certification, liability and damages issues, and potential appeals; (2) significant informal discovery, investigation, research, and litigation have been conducted such that counsel for the Parties at this time are able to reasonably evaluate their respective positions; (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented by the further prosecution of the litigation; and (4) the proposed settlement has been reached as the result of intensive, serious, and non-collusive negotiations between the Parties with the assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds that the Amended Settlement Agreement was entered into in good faith.

4. A final fairness hearing on the question of whether the proposed settlement, attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement of claims for penalties under the PAGA, and the class representatives' enhancement awards should be finally approved as fair, reasonable and adequate as to the members of the class is hereby set in accordance with the Implementation Schedule set forth below.

5. The Court provisionally certifies for settlement purposes only the following class (the "Settlement Class"): "all persons employed as hourly, non-exempt employees by Crocs in California during the Class Period."

6. "Class Period" means the period from January 3, 2019 through December 31, 2024.

7. The Court finds, for settlement purposes only, that the Settlement Class meets the requirements for certification under California Code of Civil Procedure § 382 in that: (1) the Settlement Class Members are so numerous that joinder is impractical; (2) there are questions of law and fact that are common, or of general interest, to all Settlement Class Members, which predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the

Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect the interests of the Settlement Class Members; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

8. The Court appoints as Class Representatives, for settlement purposes only, Plaintiffs Fernando Alberto Acevedo, Anthony Guzman, Fernando Hipolito, and Vanessa Olmos-Cortes. The Court further preliminarily approves Plaintiffs' ability to request incentive awards up to \$7,500.00 each (\$30,000.00 total).

9. The Court appoints, for settlement purposes only, Arrash T. Fattahi and Arman A. Salehi of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-third of the Gross Settlement Amount (\$333,333.33), and costs not to exceed \$35,000.00.

10. The Court appoints CPT Group, Inc. as the Settlement Administrator with reasonable administration costs estimated not to exceed \$19,750.00.

11. The Court approves, as to form and content the Class Notice, which has been amended and is attached hereto as Exhibit A. The Court finds on a preliminary basis that plan for distribution of the Notice to Settlement Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

12. The Parties are ordered to carry out the Settlement according to the terms of the Amended Settlement Agreement.

13. Any class member who does not timely and validly request exclusion from the settlement may object to the Amended Settlement Agreement.

14. The Court orders the following Implementation Schedule:

Defendant to provide Class List to the Settlement Administrator	March 26, 2025
Settlement Administrator to mail the Notice	April 9, 2025
Deadline to file Motion for Final Approval,	May 9, 2025

Request for Attorneys' Fees and Costs, and Service Award to Plaintiffs	
Deadline for Settlement Class Members to opt out of the Settlement Class, submit written objections to the Settlement, or dispute their Workweeks and/or PAGA Pay Periods	June 9, 2025
Deadline for filing responses to objections and for the Settlement Administrator to submit final report regarding opt-outs and objections	June 27, 2025
Final Approval Hearing	July 9, 2025 at 9:00 a.m. in Department 6. The hearing may be continued to another date without further notice to the Class Members.

15. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

IT IS SO ORDERED.



Elihu M. Berle

DATE: 03/14/2025

Elihu M. Berle / Judge

Hon. Elihu M. Berle
Los Angeles County Superior Court