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FILED
Superior Court of California
County of Los Angeles
10/12/2023
David W. Slayton, Executive Officer / Clerk of Court
By: I. Arellanes Deputy

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**

15 VA PAU LO, as an individual and on behalf
16 of all others similarly situated,

17 Plaintiff,

18 vs.

19 CYBERPOWER, INC. doing business as
20 CYBERPOWER P.C., a California
21 corporation; and DOES 1 to 50, inclusive,

22 Defendants.

Case No.: 21STCV41181

Assigned for all Purposes to:
Hon. Daniel Freeman
Dept. SSC-14

~~PROPOSED~~ ORDER GRANTING MOTION
FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Date: October 5, 2023
Time: 2:00 p.m.
Dept.: SSC-14

1 The Court, having read the papers filed regarding Plaintiff’s unopposed Motion for
2 Preliminary Approval of Class Action Settlement, hereby finds and ORDERS as follows:

3 1. The Class Action and PAGA Settlement Agreement and Class Notice (“Settlement
4 Agreement”) attached as Exhibit 1 to the Declaration of Zachary M. Crosner in support of
5 Plaintiff’s unopposed Motion for Preliminary Approval of Class Action Settlement, filed on or
6 about April 14, 2023, is within the range of possible recovery and, subject to further consideration
7 at the Final Approval Hearing described below, is preliminarily approved as fair, reasonable, and
8 adequate;

9 2 For purposes of settlement only, the Court provisionally and conditionally certifies
10 the following class: “All current and former non-exempt employees who worked for Defendant
11 Cyberpower, Inc. dba Cyberpower P.C. (“Cyberpower”) in California at any time during the Class
12 Period (August 25, 2017 to December 31, 2022).”

13 3. The Court finds the Settlement Class, consisting of approximately 549 members, is
14 so numerous that joinder of all members is impracticable, and that the Settlement Class is
15 ascertainable by reference to the business records of defendant Cyberpower.

16 4. The Court finds further there are questions of law and fact common to the entire
17 Settlement Class, and that common questions predominate over any individualized questions of
18 law or fact. These common questions include, without limitation: (1) whether Cyberpower
19 properly calculated and paid Settlement Class Members for all hours worked, including but not
20 limited to overtime hours (2) whether Cyberpower provided Settlement Class Members with all
21 required meal and rest periods, and/or paid appropriate premium wages for any missed, late, or
22 interrupted meal or rest periods; (3) whether Cyberpower provided Settlement Class Members
23 with proper itemized wage statements, and (4) whether Cyberpower paid the Settlement Class
24 Members all wages due on separation of employment.

25 5. The Court finds further the claims of named Plaintiff Va Pau Lo are typical of the
26 claims of the Settlement Class, and that he will fairly and adequately protect the interests of the
27 Settlement Class. Accordingly, the Court appoints Va Pau Lo as the Class Representative, and
28 appoints his counsel of record, Zachary M. Crosner, Jamie Serb, and Nikki Trenner, and Crosner

1 Legal, P.C., as Class Counsel.

2 6. The Court finds further that certification of the Settlement Class is superior to other
3 available means for the fair and efficient adjudication of the controversy.

4 7. The Court finds further that, in the present case, the proposed method of providing
5 notice of the Settlement to the Settlement Class via First Class U.S. Mail to each Settlement Class
6 Member's last known address, is reasonably calculated to notify the Settlement Class Members of
7 the proposed Settlement and provides the best notice possible under the circumstances. The Court
8 also finds the Notice of Settlement form is sufficient to inform the Settlement Class Members of
9 the terms of the Settlement and their rights thereunder, including the right to object to the
10 Settlement or any part thereof and the procedure for doing so, their right to exclude themselves
11 from the Settlement and the procedure for doing so, their right to obtain a portion of the
12 Settlement proceeds, and the date, time and location of the Final Approval Hearing. The proposed
13 Notice of Settlement (Exhibit A to the Settlement Agreement) and the procedure for providing
14 Notice set forth in the Settlement Agreement, are approved by the Court.

15 8. Under the terms of the Settlement Agreement, the Court approves the Parties'
16 selection of CPT Group, Inc. as the Settlement Administrator. The Settlement Administrator is
17 ordered to mail the Class Notice to the Settlement Class Members via First-Class U.S. Mail as
18 specified in the Settlement Agreement, and to otherwise carry out all other duties set forth in the
19 Settlement Agreement. The Parties are ordered to carry out and comply with all terms of this
20 Order and the Settlement Agreement, and particularly with respect to providing the Settlement
21 Administrator all information necessary to perform its duties under the Settlement Agreement.

22 9. Any member of the Settlement Class who wishes to comment on or object to the
23 Settlement or any term thereof, including any proposed award of attorney's fees and costs to Class
24 Counsel or any proposed representative enhancement to the Class Representative, shall have forty-
25 five (45) days from the mailing of the Class Notice to submit his or her comments and/or objection
26 to the Settlement Administrator, as set forth in the Settlement Agreement and Notice of
27 Settlement.

28 10. A Final Approval Hearing is hereby set for April 30, 2024, at 10:00 a.m. in

1 Department SSC-14 of the Los Angeles County Superior Court, to consider any objections to the
 2 Settlement, determine if the proposed Settlement should be found fair, adequate and reasonable
 3 and given full and final approval by the Court, and to determine the amount of attorney’s fees and
 4 costs awarded to Class Counsel, the amount of any representative enhancement award to the Class
 5 Representative, and to approve the fees and costs payable to the Settlement Administrator. All
 6 legal memoranda, affidavits, declarations, or other evidence in support of the request for final
 7 approval, the award of attorney’s fees and costs to Class Counsel, the enhancement award to the
 8 Class Representative, and the fees and costs of the Settlement Administrator, shall be filed no later
 9 than sixteen (16) court days prior to the Final Approval Hearing. The Court reserves the right to
 10 continue the Final Approval Hearing without further notice to the Settlement Class Members.

11 11. The Court orders the following **Implementation Schedule** for further proceedings:

13 a.	Deadline for Defendant to submit Class Data to Settlement Administrator	October 20, 2023 - within 15 calendar days after entry of Preliminary Approval Order
14 b.	Deadline for Settlement Administrator to Mail the Notice to Class Members	November 3, 2023 – within 14 days of receipt of Class Data
15 c.	Deadline for Requests for Exclusion, Objections to the Settlement, or Disputes re: Workweeks/Pay Periods	December 18, 2023 – 45 days after mailing date
16 d.	Extended Deadline for Requests for Exclusion, Objections to the Settlement, or Disputes re: Workweeks/Pay Periods if Notice is Rемаiled	January 2, 2024 – no later than 14 days after Response Deadline
17 d.	Deadline for Class Counsel to File Motion for Final Approval of Settlement and Request for Attorney’s Fees and Costs	April 2, 2024 - 16 Court days before the Final Approval Hearing

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e.	Final Approval Hearing	April 30, 2024 at 10:00 a.m.
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IT IS SO ORDERED.

Dated: 10/12/2023



A handwritten signature in black ink, appearing to read "K. Freeman", written over a horizontal line.

Judge of the Superior Court
Kenneth R. Freeman / Judge