

David V. **FILED**  
NOV 13 2017  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF HUMBOLDT

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF HUMBOLDT**

Erick Grumm, Individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

T.J.S. Leasing & Holding Co., Inc. a  
California Company, and Does 1-10,

Defendants.

Case No. DR160492

**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Date: October 23, 2017

Time: 1:45 p.m.

Dept.: 3

Hon. Timothy P. Cissna

Complaint Filed: September 28, 2016

Trial Date: None Set

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

The Motion for Preliminary Approval of a Class Action Settlement came before this Court, on October 23, 2017, the Honorable Timothy P. Cissna, Judge, presiding. The Court having considered the papers submitted in support of Plaintiff's motion,

**HEREBY ORDERS THE FOLLOWING:**

1. The Court grants preliminary approval of the Settlement and the Settlement Class based upon the terms set forth in the Joint Stipulation of Settlement and Release of Class Action

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SUPERIOR COURT OF CALIFORNIA  
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1 ("Settlement Agreement") attached as **Exhibit A** to the Declaration of Craig J. Ackermann in  
2 Support of Plaintiff's Motion for Preliminary Approval. All terms used herein shall have the  
3 same meaning as defined in the Settlement Agreement. The settlement set forth in the Settlement  
4 Agreement ("Settlement") appears to be fair, adequate and reasonable to the Class.

5 2. The Settlement falls within the range of reasonableness and appears to be  
6 presumptively valid, subject only to any objections that may be raised at the final fairness hearing  
7 and final approval by this Court.

8 3. A final fairness hearing on the question of whether the proposed Settlement,  
9 attorneys' fees and costs to Class Counsel, and the Class Representative's Enhancement Award  
10 should be finally approved as fair, reasonable and adequate as to the members of the Class is  
11 scheduled in Department 11 on the date and time set forth in the implementation schedule in  
12 Paragraph 10 below.

13 4. This Court approves, as to form and content, the Class Notice ("Class Notice"), in  
14 substantially the form attached to the Settlement Agreement **Exhibit 1** and the Claim Form in  
15 substantially the form attached thereto as **Exhibit 2**. The Court approves the procedure for Class  
16 Members to participate in, to opt out of, and to object to, the Settlement as set forth in the  
17 Settlement Agreement.

18 5. The Court directs the mailing of the Class Notice, and the Claim Form by first  
19 class mail to the Class Members in accordance with the Implementation Schedule set forth below.  
20 The Court finds the dates selected for the mailing and distribution of the Notice and the Claim  
21 Form, as set forth in the Implementation Schedule below, meet the requirements of due process  
22 and provide the best notice practicable under the circumstances and shall constitute due and  
23 sufficient notice to all persons entitled thereto.

24 6. It is ordered that the Settlement Class is preliminarily certified for settlement  
25 purposes only.

26 7. The Court confirms Plaintiff Erick Grumm as Class Representative, and Craig J.  
27 Ackermann of Ackermann & Tilajef, P.C. and Jonathan Melmed of Melmed Law Group P.C. as  
28

1 Class Counsel.

2 8. The Court confirms CPT Group, Inc. as the Settlement Administrator.

3 9. To facilitate administration of the Settlement pending final approval, the Court  
4 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or  
5 administrative proceedings (including filing claims with the Division of Labor Standards  
6 Enforcement of the California Department of Industrial Relations) regarding claims released by  
7 the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with  
8 the Settlement Administrator and the time for filing claims with the Settlement Administrator has  
9 elapsed.

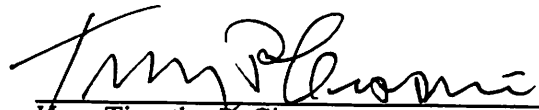
10 10. The Court orders the following **Implementation Schedule** for further  
11 proceedings:

13 a.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator	[Within 14 days after entry by the Court of its Order of Preliminary Approval]
14 b.	Deadline for Settlement Administrator to Mail Notice and Claim Form to Class Members	[Within 28 days following the Preliminary Approval Date]
15 c.	Deadline for Class Members to Opt Out, Object or Request to be excluded from Settlement	[45 days after mailing of the Notice and Claim Form]
16 d.	Deadline for Settlement Administrator to provide Counsel with Declaration of Due Diligence and Proof of Mailing	[30 days prior to Final Approval and Fairness Hearing]
17 e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 court days prior to Final Approval and Fairness Hearing]
18 f.	Final Approval and Fairness Hearing	<sup>2018</sup> <u>Feb. 6, 2017</u> at <u>1:15 a.m./p.m.</u>

g.	Deadline for Defendant to wire First Payment of the Gross Settlement Amount to the Settlement Administrator	[Within 180 days of the Court granting Final Approval to the Settlement]
h.	Deadline for Defendant to wire Second Payment of the Gross Settlement Amount to the Settlement Administrator	[Within 180 days after the First Payment]
i.	Deadline for Settlement Administrator to distribute Settlement Awards, Enhancement Award, and portion of Attorney's Fees and Costs	[Within 5 days of Defendant's Second Payment]
	Deadline for Defendant to wire Third Payment of the Gross Settlement Amount to the Settlement Administrator	[Within 180 days after the Second Payment]
	Deadline for Settlement Administrator to distribute remaining Attorney's Fees and Costs	[Within 5 days of Defendant's Third Payment]
	Settlement Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorney's Fees and Costs	[120 days after Final Payment, pursuant to the Payment Plan]

**IT IS SO ORDERED**

Dated: 10-23-17



Hon. Timothy P. Cissna  
Judge of the Superior Court

**TIMOTHY P. CISSNA**