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10/31/2023

CLERK OF THE SUPERIOR COURT
SAN MATEO COUNTY

9 *Attorneys for Plaintiff, the Putative Class, the LWDA, and the Aggrieved Employees*

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF SAN MATEO**

12 CLAUDIA CHACHAVAC, individually
and on behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 KUMAR MANAGEMENT,
16 CORPORATION, a California Corporation;
and DOES 1-10, inclusive,

17 Defendant.
18

CASE NO: 22-CIV-03110

NF

**REVISED ~~PROPOSED~~ ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: October 31, 2023

Time: 2:00 p.m.

Dept.: 4

Judge: Hon. Nancy Fineman

1 WHEREAS, the class representative CLAUDIA CHACHAVAC (“Plaintiff”) and Defendant
2 KUMAR MANAGEMENT CORPORATION (“Defendant”), all acting through their counsel, have
3 agreed, subject to Court approval, to settle this class action upon the terms and conditions set forth in
4 the Amended Class Action and PAGA Settlement Agreement (“Settlement Agreement”) filed
5 herewith;

6 On September 12, 2023, the Court issued a tentative ruling requiring additional briefing from
7 the Parties. The supplemental briefing was submitted on September 26, 2023. Thereafter, the Court
8 issued another tentative ruling on October 30, 2023 indicating that the supplemental briefing had
9 satisfied the Court’s concerns. The September 12, 2023 and October 30, 2023 tentative rulings are
10 incorporated by reference into this Order.

11 NOW, THEREFORE, based upon the Settlement Agreement and upon all of the files, records
12 and proceedings in this matter;

13 IT IS HEREBY ORDERED that:

14 1. The Settlement Agreement and the settlement are preliminarily approved but are not
15 an admission by Defendant of the validity of any claims in this class action, or of any wrongdoing by
16 Defendant or of any violation of law. Neither the Settlement Agreement nor any related document
17 shall be offered or received in evidence in any civil, criminal or administrative action or proceeding
18 other than such proceedings as may be necessary to consummate or enforce the Settlement Agreement
19 and settlement. Attached as **Exhibit A** to the Supplemental Declaration of Craig J. Ackermann in
20 Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement filed on September
21 26, 2023 is a true and correct copy of the Settlement Agreement. The obligations set forth in the
22 Settlement Agreement are deemed part of this Order. All terms used herein shall have the same
23 meaning as defined in the Settlement Agreement. The settlement set forth in the Settlement Agreement
24 appears to be fair, adequate and reasonable to the Class.

25 2. The Court preliminarily certifies the following class (collectively referred to as the

1 “Settlement Class”) for purposes of effectuating the Settlement.

2 Plaintiff and all other hourly-paid individuals who are or were employed by Defendant in
3 California and who worked at least one pay period for Defendant in California during the Class
4 Period.

5 3. The Settlement, including the \$1,000,000.00 gross settlement amount, falls within the
6 range of reasonableness and appears to be presumptively valid, subject only to any objections that may
7 be raised at the final fairness hearing and final approval by this Court. The Settlement Class is
8 conditionally certified for purposes of C.C.P. § 382.

9 4. A final fairness hearing on the question of whether the proposed Settlement, attorneys’
10 fees and costs to Class Counsel, and the Class Representative’s Enhancement Award should be finally
11 approved as fair, reasonable and adequate as to the members of the Class is scheduled in Department
12 4 on the date and time set forth in the implementation schedule in Paragraph 10 below.

13 5. This Court approves, as to form and content the Class Notice, Objection Form, and
14 Opt-Out Form (the “Notice Packet”), in substantially in the form attached to the Settlement Agreement
15 as **Exhibits A-C**. The Court approves the procedure for Class Members to participate in, to opt out of,
16 and to object to, the Settlement as set forth in the Settlement Agreement.

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

23 7. It is ordered that the Class is preliminarily certified for settlement purposes only.

24 8. The Court confirms Plaintiff Claudia Chachavac as Class Representative, and Craig J.
25 Ackermann and Avi Kreitenberg of Ackermann & Tilajef, P.C. and David S. Winston of Winston Law

1 Group, P.C. as Class Counsel.

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

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

4 a.	Deadline for Defendant to Submit Class Data to Settlement Administrator	November 15, 2023 [No later than 15 days after the Court grants Preliminary Approval of the Settlement] S.A. ¶ 4.2
5 b.	Deadline for Settlement Administrator to mail Notice Packet to Class Members	November 29, 2023 [No later than 14 days after receiving the Class Data] S.A. ¶ 8.4.2
6 c.	Deadline for Class Counsel to file Motion for Award of Attorneys' Fees, Reimbursement of Litigation Expenses, and Class Representative Award	January 12, 2024 [No later than 14 days before the deadline for Class Members to object to the Settlement or request exclusion from the Class]
7 d.	Deadline for Class Members to Object or Request to be Excluded from Settlement	January 28, 2024 [60 days after the Settlement Administrator mails the Notice Packet to Class Members] S.A. ¶ 1.43
8 e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees and Costs, and Enhancement Award	February 9, 2024 [No later than 14 days following the deadline for Class Members to object to the Settlement or request exclusion from the Class]
9 f.	Final Approval and Fairness Hearing	April 2, 2024 at 2:00 p.m.

16
17 **IT IS SO ORDERED.**

17 Electronically
SIGNED

18 By /s/Fineman, Nancy

18 11/01/2023

19 Dated: _____

19 _____
HON. NANCY FINEMAN

21 The minutes of the October 31, 2023 hearing are incorporated in as if
22 set forth herein. NF

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PROOF OF SERVICE

Claudia Chachavac, et al. v. Kumar Management Corporation
Case No. 22-CIV-03110

I am over the age of 18 years and am employed in an office in the County of Los Angeles, State of California. I am not a party to the within action. My business address is 315 S. Beverly Drive, Ste. 504, Beverly Hills, California 90212.

I declare that on the date hereof, October 31, 2023, I served a copy of the foregoing document(s) described as:

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

by causing true copies thereof to be sent to following individual(s) and/or parties via the following method(s):

Beth A. Schroeder, Esq.
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Co-Counsel for Plaintiff, et al.

X (By Electronic Service) Pursuant to CCP Section 1010.6(e), I caused such document(s) to be served on this date by electronic transmission in accordance with standard procedures and to the email address listed. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of California that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Dated this 31st day of October, 2023, at Beverly Hills, California.



Jaelyn Blackwell



SUPERIOR COURT OF SAN MATEO COUNTY

Civil Department
400 County Center, Redwood City, CA 94063
(650) 261-5100
www.sanmateo.courts.ca.gov

CLERK'S CERTIFICATE OF SERVICE BY MAIL

Date: 11/2/2023

In the Matter of: CLAUDIA CHACHAVAC vs. KUMAR MANAGEMENT CORPORATION, a California Corporation, et al
Case No.: 22-CIV-03110

Documents: **REVISED ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I certify that I am a Deputy Clerk of the San Mateo County Superior Court, that I am not a party to this cause, and that the above-listed documents were served upon the persons whose names and addresses are set forth below, on this date in San Mateo County, California, by placing the documents for collection and mailing so as to cause it to be mailed with the United States Postal Service by first class mail in a sealed addressed envelope with postage fully prepaid, following standard court practices. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: 11/2/2023

Neal I Taniguchi, Court Executive Officer/Clerk

By: /s/ Haley Correa
Haley Correa, Deputy Clerk

Copies Mailed To:

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