

Electronically Received 09/14/2022 10:25 AM

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FILED
Superior Court of California
County of Los Angeles
09/15/2022

Sherri R. Carter, Executive Officer / Clerk of Court
By: A. Morales Deputy

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

11 ARLIS VILLALTA, an individual; ERIKA
12 GIL, an individual; and KATTYA ZAVALA,
13 an individual; on behalf of themselves and all
14 others similarly situated;

15 Plaintiffs,

16 v.

17 LEONARDO’S RESTAURANT, INC., a
18 California corporation; LA BOOM, INC., a
19 California corporation; LA NORIA, INC.; LA
20 NORIA ENTERTAINMENT, INC., a
21 California corporation; LEBA, INC., a
22 California corporation; FERMAX, INC., a
23 California corporation; LEOLO, INC., a
24 California corporation; LEONARDO LOPEZ,
25 an individual; and DOES 1 through 50,
26 inclusive,

27 Defendants.

CASE NO. BC542133

CLASS ACTION

[Assigned for all purposes to the Honorable
Lawrence P. Riff, Dept. SS-7]

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

Date: September 14, 2022
Time: 9:00 a.m.
Dept.: SS-7

Complaint Filed: April 9, 2014

1 Plaintiff Arlis Villalta, Erika Gil, and Katty Zavala’s (“Plaintiffs”) Motion for Preliminary
2 Approval of a Class Action Settlement came before this Court, on September 14, 2022, the Honorable
3 Judge Lawrence P. Riff presiding. The Court having considered the papers submitted in support of the
4 motion of the parties, HEREBY ORDERS THE FOLLOWING:

5 1. The Court grants preliminary approval of the Settlement and the Settlement Class based
6 upon the terms set forth in the Amended Stipulation of Class and Representative Action Settlement
7 (the “Settlement Agreement”), attached as **Exhibit 2** to the Declaration of Dalia Khalili in Support of
8 Plaintiffs’ Supplemental Briefing in Support of Motion for Preliminary Approval of Class Action
9 Settlement filed with the Court on August 4, 2022. All terms used herein shall have the same meaning
10 as defined in the Settlement Agreement. The Court finds that the terms of the settlement set forth in
11 the Settlement Agreement appear to be fair, adequate and reasonable to the Class.

12 2. The Court finds, on a preliminary basis, that the Settlement falls within the range of
13 reasonableness and appears to be presumptively valid, subject only to any objections that may be
14 raised at the final fairness hearing and final approval by this Court.

15 3. The Court preliminarily finds that extensive investigation and research have been
16 conducted, such that counsel for the parties are able to reasonably evaluate their respective positions.
17 The Court preliminarily finds that the Settlement will avoid substantial additional costs to all parties,
18 as well as avoid the delay and risks that would be presented by the further prosecution of the Action.
19 The Court preliminarily finds that the Settlement has been reached as the result of intensive, serious,
20 and non-collusive arms-length negotiations, and has been entered into in good faith. The assistance
21 of an experienced mediator in the settlement process further confirms that the Settlement is non-
22 collusive. Finally, the Court has reviewed the monetary recovery that is being granted as part of the
23 Settlement and preliminarily finds that the monetary settlement awards made available to the Class
24 Members are fair, adequate, and reasonable when balanced against the potential risks of further
litigation relating to certification, liability, and damages issues.

25 4. A final fairness hearing on the question of whether the proposed Settlement, attorneys’
26 fees and costs to Class Counsel, and the Class Representatives’ Enhancement Awards should be finally
27 approved as fair, reasonable and adequate as to the members of the Class is scheduled in Department
28 SS-7 on the date and time set forth in the implementation schedule in Paragraph 10 below.

1 5. This Court approves, as to form and content, the Notice Of Proposed Settlement Of
2 Class Action And Hearing Date For Final Court Approval (the “Notice”), in substantially the form
3 attached to **Exhibit 2** (“Notice”) of the Supplemental Declaration of Dalia Khalili in Support of
4 Plaintiffs’ Supplemental Briefing in Support of Motion for Preliminary Approval of Class Action
5 Settlement filed with the court on September 7, 2022, as well as the Claim Form, in substantially the
6 form attached to **Exhibit 1** ([Ex. 3, Claim Form]) of the Declaration of Matthew J. Matern in Support
7 of Plaintiffs’ Notice of Motion and Motion for Preliminary Approval of Class Action Settlement
8 (“Matern Declaration”). The Court finds that the Notice fully and accurately informs the Class
9 Members of all material elements of the Settlement, of the Class Members’ right to opt out and be
10 excluded from the Settlement, and of each Class Member’s right and opportunity to object to the
11 Settlement. The Court also approves the Notice by Publication plan described in the Settlement
12 Agreement as well as the content of the Publication Notice, and Claim Form to be used by those who
13 only receive the Publication Notice (attached to **Exhibit 1** ([Ex. 4, Publication Notice] and [Ex. 3,
14 Claim Form] of the Matern Declaration) designed to reach those class members for which Defendants
15 do not have addresses. The Court approves the procedure for Class Members to participate in, to opt
16 out of, and to object to, the Settlement as set forth in the Settlement Agreement.

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

22 7. Notice will be provided to members of the following class:

23 All individuals who are or were employed as non-exempt hourly employees of
24 Defendants in California at any time from April 9, 2010 through May 14, 2021.

25 8. The Court has already appointed Plaintiffs as Class Representatives, and Matthew J.
26 Matern of Matern Law Group, PC, as Class Counsel.

27 9. The Court appoints CPT Group, Inc. as the Settlement Administrator.

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

<u>EVENT</u>	<u>TIMING</u>
Deadline for Defendants to Submit Class Member Information to Settlement Administrator	5 calendar days after Order granting Preliminary Approval
Deadline for Settlement Administrator to Mail Class Notice	30 calendar days after receiving the Class Information from Defendants
Deadline for Class Members to Postmark Requests for Exclusion	60 calendar days after the initial mailing of the Class Notice to Class Members, the deadline will be extended by 14 calendar days counted from the remailing date for re-mailed notices
Deadline for Receipt by Court and Settlement Administrator of any Objections to Settlement	In writing: 60 calendar days after the initial mailing of the Class Notice to Class Members, the deadline will be extended by 14 calendar days counted from the remailing date for re-mailed notices In person: can appear at the Final Approval hearing to state their objection
Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	16 Court days before Final Approval Hearing
Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	16 Court days before Final Approval Hearing
Final settlement approval hearing	February 7, 2023, at 10:00 a.m.

11. In the event the Settlement does not become effective in accordance with the terms of the Settlement Agreement, or the Settlement is not finally approved, or is terminated, cancelled or fails to become effective for any reason, this Order shall be rendered null and void, shall be vacated, and the Parties shall revert back to their respective positions as of before entering into the Settlement Agreement.

12. Pending further order by this Court, all proceedings in this matter except those contemplated herein and in the Settlement Agreement are stayed.

1 13. The Court expressly reserves the right to adjourn or continue the Final Approval and
2 Fairness Hearing without further notice to Class Members.

3 **IT IS SO ORDERED.**

4 09/15/2022

5 Dated: _____



A handwritten signature in black ink, appearing to read "Lawrence P. Riff".

Lawrence P. Riff / Judge

Hon. Lawrence P. Riff

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years, and not a party to this action. My business address is 1230 Rosecrans Avenue, Suite 200, Manhattan Beach, California, 90266.

On September 14, 2022, I served the following document described as:

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

By Electronic Service (via electronic filing service provider) – electronically transmitting the documents listed above to Case Anywhere, an electronic filing service provider, at www.caseanywhere.com pursuant to the Court’s Order Authorizing Electronic in the matter of *Arlis Villalta v. Leonardo’s Restaurant, Inc., et al.*, LASC Case No. BC542133 mandating electronic service. The transmission(s) was reported as complete and without error to the addresses as stated on the attached service list.

Charles L. Murray III, Esq. 444 South Flower Street, Suite 1500 Los Angeles, California 90071 Telephone: (213) 627-5983 Facsimile: (213) 627-6051 Email: cmurray@cm3law.com	Attorneys for Defendants LEONARDO’S RESTAURANT, INC., LA BOOM, INC., LA NORIA ENTERTAINMENT, INC., LEBA, INC., LEOLO, INC., FERMAX, INC. and EL LEON RESTAURANT, INC., and LEONARDO LOPEZ
Robert J. Prata, Esq. John F. Morning, Esq. PRATA & DALEY LLP 515 S. Figueroa Street, Suite 1515 Los Angeles, CA 90071 Telephone: (213) 622-5600 Facsimile: (213) 622-5623 Emails: rprata@pratadaley.com jmorning@pratadaley.com	Attorneys for Defendants LEONARDO’S RESTAURANT, INC., LA BOOM, INC., LA NORIA ENTERTAINMENT, INC., LEBA, INC., LEOLO, INC., FERMAX, INC. and EL LEON RESTAURANT, INC., and LEONARDO LOPEZ

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on September 14, 2022 at Manhattan Beach, California.



Eva Reyes