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FILED
Superior Court of California
County of Los Angeles

JUL 22 2021

Sherri R. Carter, Executive Officer/Clerk of Court
By J. Aguayo Deputy

LIMONJYAN LAW GROUP, APC

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Attorneys for Plaintiff MARIO LOPEZ,
Individually, On Behalf of All Others Similarly Situated,
Other Aggrieved Employees, and the General Public

RECEIVED

SUPERIOR COURT OF THE STATE OF CALIFORNIA

JUN 09 2021

COUNTY OF LOS ANGELES

FILING WINDOW

MARIO LOPEZ, an individual, on behalf of
herself and all other similarly situated, and on
behalf of all other aggrieved employees, and
the general public,

Case No. 19STCV22606

[Assigned for all purposes to the Hon. William
F. Highberger, Dept. SS10]

Plaintiff,

~~PROPOSED~~ **ORDER GRANTING
PLAINTIFF MARIO LOPEZ'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

v.

NAPLES RESTAURANT GROUP LLC
D/B/A BOATHOUSE ON THE BAY, a
California Limited Liability Company, and
DOES 1 through 20, Inclusive,

Date: July 22
~~July 1~~, 2021
Time: 10:00 a.m.
Dept: 10

Defendants.

Date Action Filed: June 28, 2019
Trial Date: None Set

This matter has come before the Court on the motion of Plaintiff Mario Lopez for preliminary approval of the settlement of the Action ("Motion"). A hearing on the Motion was held on July 1, 2021, at 10:00a.m., before the Honorable William F. Highberger in Department 10 of the Superior Court of the State of California, County of Los Angeles. The Court, having duly considered the Motion, good cause appearing, hereby GRANTS Plaintiff's Motion for Preliminary Approval of Class Action Settlement and it is hereby ordered as follows:

///

1 1. Capitalized terms in this Order have the same meaning they are given in the Class
2 Action Settlement Agreement and Release (“Agreement” or “Settlement”) filed with the Motion.

3 2. The Court grants preliminary approval of the Settlement based upon the terms set
4 forth in the Agreement. The Settlement appears to be fair, reasonable, and adequate to the Class
5 and presumptively valid, subject only to any objections that may be raised at or before the Final
6 Approval Hearing. It appears to the Court that significant investigation and research have been
7 conducted such that counsel for the parties at this time are able to reasonably evaluate their
8 respective positions. It further appears to the Court that the Settlement, at this time, will avoid
9 substantial additional costs by all parties, as well as avoid the delay and risks that would be
10 presented by the further prosecution of the actions. It further appears that the Settlement has been
11 reached as the result of intensive, serious, and non-collusive, arms-length negotiations, and was
12 entered into in good faith.

13 3. A Final Approval Hearing on the question of whether the proposed Settlement,
14 attorneys’ fees and costs to Class Counsel, the Class Representative’s Service Award, the LWDA
15 Payment, and Settlement Administration Costs should finally be approved as fair, reasonable, and
16 adequate as to the Settlement Class is scheduled for _____, 2021 at _____ in
17 Department 10 of this Court.

18 4. Class Counsel shall file a motion for final approval of the Settlement and for
19 attorneys’ fees and costs, Plaintiff’s enhancement payment, and Settlement Administration Costs,
20 along with the appropriate declarations and supporting evidence, including the Settlement
21 Administrator’s declaration by _____, 2021, to be heard at the Final Approval
22 Hearing.

23 5. The Court approves as to form and content the Class Notice attached hereto as
24 Exhibit A. The Court approves the procedure for Settlement Class Members to request exclusion
25 from or to object to the Settlement as set forth in the Class Notice.

26 6. The Court directs the mailing of the Class Notice in the manner set forth in the
27 Settlement and in accordance with the schedule set forth below. The Court finds that the manner
28

1 and mode of giving notice to Class Members meet the requirements of due process and provide
2 the best notice practicable under the circumstances and shall constitute due and sufficient notice
3 to all persons entitled thereto. The Court finds that the Class Notice appears to fully and
4 accurately inform the Class Members of all material elements of the Settlement and of the Class
5 Members' rights and options under the Settlement.

6 7. The Court concludes that, for settlement purposes only, the proposed class meets
7 the requirements for certification under section 382 of the California Code of Civil Procedure in
8 that: (a) the class is ascertainable and so numerous that joinder of all members of the class is
9 impracticable; (b) common questions of law and fact predominate, and there is a well-defined
10 community of interest amongst the members of the class with respect to the subject matter of the
11 litigation; (c) Plaintiff's claims are typical of the claims of the members of the class; (d) Plaintiff
12 will fairly and adequately protect the interests of the members of the class; (e) a class action is
13 superior to other available methods for the efficient adjudication of the controversy; and (f) Class
14 Counsel is qualified to act as counsel for Plaintiff in his individual capacity and as the
15 representative of the class.

16 8. The Settlement Class is conditionally certified for settlement purposes only.

17 9. The Court preliminarily approves Ruben Limonjyan of Limonjyan Law Group,
18 APC, and Sahag Majarian of Law Office of Sahag Majarian II, as Class Counsel.

19 10. The Court appoints CPT Group as the Settlement Administrator.

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

24 12. The Court orders the following schedule for further proceedings:

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1	Deadline for Defendants to submit the Class List to the Settlement Administrator.	30 calendar days from entry of this Order
2		
3	Settlement Administrator mails Class Notice.	40 calendar days from receipt of Class List from Defendants
4		
5	Deadline for mailing a request for exclusion from the Settlement to the Settlement Administrator.	30 calendar days from initial mailing of Class Notice
6		
7	Deadline for mailing any objection to the Settlement to the Settlement Administrator.	30 calendar days from initial mailing of Class Notice
8	Deadline for Class Counsel to file Motion for Final Approval of Settlement and Attorneys' Fees and Costs.	<u>Oct. 7</u> , 2021
9		
10	Final Approval Hearing.	<u>Nov. 1</u> , 2021 at <u>11 am</u> .
11		

12 **IT IS SO ORDERED.**

13
14 Dated: 7/22, 2021

15 
16 _____
17 Honorable William F. Highberger,
18 Judge of the Superior Court