

FILED
Clerk of the Superior Court

AUG 26 2022

By: R. Cersosimo, Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

JASFER NEPOMUCENO and DANIELLE
WINKLE, individually, and on behalf of
aggrieved employees pursuant to the Private
Attorneys General Act ("PAGA");

Plaintiffs,

v.

PORTFOLIO RECOVERY ASSOCIATES, LLC,
a Delaware limited liability company; and DOES
1 through 100, inclusive;

Defendants.

Case No.: 37-2021-00006651-CU-OE-CTL
[Consolidated with Case No. 37-2021-
00006737-CU-OE-CTL]

Assigned for All Purposes to:
Honorable Richard S. Whitney
Dept. C-68

CLASS ACTION

**ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT, CONDITIONAL
CERTIFICATION, APPROVAL OF
CLASS NOTICE, SETTING OF FINAL
APPROVAL HEARING DATE**

Hearing Date: August 26, 2022
Hearing Time: 10:30 a.m.
Hearing Place: Department C-68

Complaint Filed: February 16, 2021
Trial Date: None Set

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 The Motion for Preliminary Approval of Class Action Settlement came before this Court,
3 the Honorable Richard S. Whitney presiding, on August 26, 2022 at 10:30 a.m. The Court having
4 considered the papers submitted in support of the Motion, HEREBY ORDERS THE
5 FOLLOWING:

6 1. The following Class is conditionally certified for purposes of settlement only: all
7 non-exempt hourly-paid employees who worked for Defendant Portfolio Recovery Associates,
8 LLC within the State of California at any time during the period from February 16, 2017 through
9 the date of preliminary approval of the settlement ("Class" and Class Period") but specifically
10 excluding any individual(s) who filed their own separate action as named plaintiff alleging the
11 same or similar claims being released herein.

12 2. The Court grants preliminary approval of the settlement based upon the terms set
13 forth in the Joint Stipulation of Class Action and PAGA Settlement ("Agreement," "Settlement
14 Agreement," or "Settlement"). Capitalized terms shall have the definitions set forth in the
15 Settlement Agreement.

16 3. The settlement embodied in the Settlement Agreement appears to be fair, adequate,
17 and reasonable to the Class. The Settlement falls within the range of reasonableness and appears
18 to be presumptively valid, subject only to any objections that may be raised at the Final Approval
19 Hearing and final approval by this Court.

20 4. Plaintiffs Jasfer Nepomuceno and Danielle Winkle ("Plaintiffs") are conditionally
21 approved to serve as the Class Representatives.

22 5. Douglas Han, Shunt Tatavos-Gharajeh, Phillip Song, and Lizette Rodriguez of
23 Justice Law Corporation are conditionally approved as Class Counsel for the Class.

24 6. The proposed Class Representative Enhancement Payment in the sum of \$10,000
25 to each Plaintiff for their services as the Class Representative is conditionally approved.

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1 7. The proposed payment of an Attorney Fee Award to Class Counsel in an amount
2 not to exceed thirty-five (35%) of the Gross Settlement Amount and a Cost Award for actual
3 litigation costs to Class Counsel in the sum not to exceed \$25,000 are conditionally approved.

4 8. The Court confirms CPT Group, Inc. ("CPT Group") as the Settlement
5 Administrator.

6 9. The proposed payment of Administration Costs in an amount not to exceed
7 \$10,000, to CPT Group for its services is conditionally approved.

8 10. The Court also hereby conditionally approves the Private Attorneys General Act
9 of 2004 ("PAGA") Payment from the Net Settlement Amount in the amount of \$50,000 that the
10 Parties have allocated for the settlement of the claims for PAGA penalties stemming from the
11 alleged Labor Code violations. Seventy-five percent (75%) of the PAGA Payment (\$37,500) will
12 be paid to the California Labor and Workforce Development Agency ("LWDA"), and the
13 remaining twenty-five percent (25%) of the PAGA Payment (\$12,500) shall be distributed to the
14 aggrieved employees eligible to recover the PAGA Payment that consist all non-exempt hourly-
15 paid employees who worked for Defendant within the State of California at any time during the
16 period from December 11, 2019 through the date of preliminary approval of the settlement
17 ("Eligible Aggrieved Employees," "PAGA Timeframe," and "PAGA Payment"), on a pro rata
18 basis.

19 11. A Final Approval Hearing on the question of whether the Settlement, the Attorney
20 Fee Award, the Cost Award, and the Class Representative Enhancement Payment should be
21 finally approved as fair, reasonable, and adequate as to all Class Members who do not submit a
22 valid and timely request to exclude themselves from the Settlement ("Participating Class
23 Members") is scheduled on the date and time set forth in paragraph 15 below.

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1 12. The Court approves, as to form and content, the Notice of Class Action Settlement
2 ("Class Notice"), as attached as Exhibit A to the Agreement. The Court also approves the
3 procedure for Class Members to participate in, to opt out of, and to object to the Settlement as set
4 forth in the Class Notice.

5 13. The Court directs the mailing of the Class Notice to all identified Class Members
6 via first-class regular U.S. Mail in accordance with the implementation schedule set forth in
7 paragraph 15 below. The Court finds that the dates selected for the mailing and distribution of the
8 Class Notice, as set forth in the Implementation Schedule, meet the requirements of due process,
9 provide the best notice practicable under the circumstances, and shall constitute due and sufficient
10 notice to all persons entitled.

11 14. To facilitate administration of the Settlement pending final approval, the Court
12 hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any claims, suits, or
13 administrative proceedings (including, but not limited to, filing claims with the Division of Labor
14 Standards Enforcement of the California Department of Industrial Relations) based on claims
15 released by the Settlement ("Released Claims") unless and until such Class Members have filed
16 valid requests for exclusion with the Settlement Administrator and the time for filing valid
17 requests for exclusion with the Settlement Administrator has not elapsed.

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1 15. The Court orders the following Implementation Schedule for further
2 proceedings:

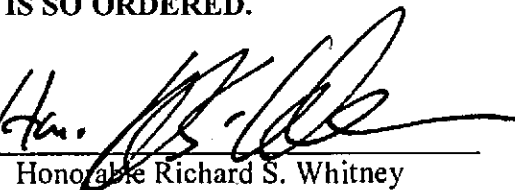
3 a.	Deadline for Defendant to submit Class Data to Settlement Administrator	Within twenty-eight (28) calendar days after entry of the Preliminary Approval Order
4 b.	Deadline for Settlement Administrator to mail the Class Notice to Class Members	Within twenty-one (21) calendar days from the receipt of the Class Data
5 c.	Deadline for Class Members to postmark requests for exclusion to the Settlement Administrator or submit written objections	Forty-five (45) calendar days from initial mailing of the Class Notice
6 e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement	Sixteen (16) Court days before Final Approval Hearing in conformity with Code of Civil Procedure § 1005
7 f.	Deadline for Class Counsel to file Motion for Attorney Fee Award, Cost Award, and Class Representative Enhancement Payment	Sixteen (16) Court days before Final Approval Hearing in conformity with Code of Civil Procedure § 1005
8 g.	Final Approval Hearing and Final Approval	December 29, 2022 at 10:30 a.m. in Department C-68

16 IT IS SO ORDERED.

17 Dated:

18 8-26-22

19 By

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21 Honorable Richard S. Whitney
22 Judge of the Superior Court