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9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 SHAUN BASKERVILLE; JONATHAN
13 DAVIS; CAESAR JUAREZ, on behalf of
themselves, all others similarly situated, and the
14 general public.

15 Plaintiffs,

16 v.

17 PROMPT DELIVERY, INC. DBA
SOUTHERN CALIFORNIA MESSENGERS;
18 AMAZON LOGISTICS, INC. and DOES 1
through 20, inclusive,

19 Defendants.

CASE NO. BC634669
(consolidated with Case No. BC635636)

[Case Assigned for All Purposes to Hon.
Elihu M. Berle in Dept. 6]

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

Date: March 11, 2021
Time: 11:00 a.m.
Dept.: 6

Complaint Filed: September 22, 2016
FAC Filed: December 2, 2016
Consolidated Complaint Filed: July 17, 2017
Trial Date: None Set

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25 **RECEIVED**
26 **MAR 16 2021**
27 **FILING WINDOW**
28

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

MAR 19 2021

Sherri R. Carter, Executive Officer/Clerk
By Marisela Fregoso, Deputy

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17 *Attorneys for Plaintiffs Shaun Baskerville and Putative Class*

1 The Motion for Preliminary Approval of the Class Settlement came before this Court, the
2 Honorable Elihu M. Berle, presiding. The Court, having considered the papers submitted in
3 support of the motion of the parties, **HEREBY ORDERS THE FOLLOWING:**

4 1. The Court grants preliminary approval of the proposed settlement based upon the
5 terms set forth in the Amended Class and Representative Action Settlement Agreement and
6 Release (“Agreement” or “Settlement”) filed herewith. The Settlement appears to be fair,
7 adequate, and reasonable to the Class.

8 2. For purposes of this Order, the proposed Settlement Class is defined as follows:

9 “all persons who are employed or have been employed as a W-2
10 hourly non-exempt employee by SCM who provided services as
11 Delivery Drivers pursuant to a contract between SCM and Amazon
12 to deliver packages to Amazon customers in the State of California
during the Class Period.” (“Settlement Class Members” or
“Settlement Class”)

13 3. The Class Period is October 23, 2013 through October 20, 2020.

14 4. The Settlement falls within the range of reasonableness and appears to be
15 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
16 and final approval by this Court.

17 5. A final fairness hearing on the question of whether the proposed Settlement,
18 attorneys’ fees and costs to Class Counsel, the PAGA payment, and the claims administration costs
19 should be finally approved as fair, adequate, and reasonable as to the members of the Settlement
20 Class is scheduled for July 16, 2021 at 9:00 a.m. (Pacific Time), in Department 6.

21 6. The Court approves, as to form and content, the Notice to Settlement Class
22 Members in substantially the form attached to the Settlement Agreement as Exhibit “A”. The
23 Court approves the procedure for Settlement Class Members to opt out and object to the Settlement
24 as set forth in the Agreement and the Notice.

25 7. The Court directs the mailing of the Notice and related documents to members of
26 the Settlement Class by first class mail in accordance with the Settlement Agreement and the
27 Implementation Schedule set forth below. The Court finds that the dates selected for the mailing
28 and distribution of the Notice, as set forth in the following Implementation Schedule, meet the

1 requirements of due process and provide the best notice practicable under the circumstances and
2 shall constitute due and sufficient notice to all persons entitled thereto.

3 8. It is ordered that the Settlement Class is preliminarily certified for settlement
4 purposes only.

5 9. The Court confirms KINGSLEY & KINGSLEY, APC, LAW OFFICES OF
6 RONALD A. MARRON APLC, and COHELAN KHOURY & SINGER as Class Counsel.

7 10. The Court confirms SHAUN BASKERVILLE, JONATHAN DAVIS, and
8 CAESAR JUAREZ as Class Representatives.

9 11. The Court approves CPT Group, Inc. as the Settlement Administrator.

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

11

12 a.	Preliminary Approval Granted	March 11, 2021
13 b.	Deadline for Defendants to Provide the Settlement Class Members' Information to Settlement Administrator	April 1, 2021
14 c.	Settlement Administrator Shall Mail Notice to Settlement Class Members	April 16, 2021
15 d.	Deadline for Postmark of Any Request for Exclusion	June 16, 2021
16 e.	Deadline for Postmark of Any Objection	June 16, 2021
17 f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	May 14, 2021
18 g.	Deadline for Class Counsel to file Motion for Attorneys' Fees	May 14, 2021
19 h.	Final Approval Hearing	July 16, 2021 at 9:00 a.m.

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22 13. The Court expressly reserves the right to adjourn or continue the Final Fairness
23 Hearing from time to time without further notice to members of the Settlement Class.

24 IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final
25 Approval and Judgment, or if the Effective Date of Settlement, as defined in the Agreement, does
26 not occur for any reason, the Settlement Agreement and the proposed Settlement that is the subject
27 of this Order, and all evidence and proceedings had in connection therewith, shall be without
28 prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth

1 in the Agreement.

2 IT IS FURTHER ORDERED that, pending further Order of this Court, all proceedings in
3 this matter except those contemplated herein and in the Agreement are hereby stayed.

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5
6 DATED: _____

3-19-21

ELIHU M. BERLE

JUDGE OF THE SUPERIOR COURT

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(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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 the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On March 16, 2021, I served all interested parties in this action the following documents described as: **[PROPOSED] REVISED ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Robert A. Kashfian
KASHFIAN & KASHFIAN LLP
1875 Century Park East, Suite 1340
Los Angeles, CA 90067
robert@kashfianlaw.com

(PROOF OF SERVICE LIST CONTINUED ON NEXT PAGE)

(BY MAIL) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage fully prepaid at Encino, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY ELECTRONIC MAIL THROUGH CASE ANYWHERE: On interested parties set forth on the attached service list.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 16, 2021, at Woodland Hills, California.



Michelle A. Tanzer

