

11/30/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By: A. Morales Deputy

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10 [Additional Counsel Listed on Signature Page]

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE**

13 MICHAEL REYNOLDS
14 ENTERPRISE, INC. DBA
15 REYNOLDS TERMITE CONTROL,
16 individually and on behalf of all
17 others similarly situated,

18 Plaintiff,

19 vs.

20 STATE COMPENSATION
21 INSURANCE FUND, a public
22 enterprise fund; and DOES 1 through
23 50, inclusive,

24 Defendants.

25 And Related Case:

26 AMERICAN JETTER &
27 PLUMBING, INC. and
28 RESILIENCE TREATMENT
CENTER, on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs.

STATE COMPENSATION
INSURANCE FUND, a public
enterprise fund; and DOES 1 through
50, inclusive,

Defendants.

Case No. 19STCV05738
Honorable Lawrence P. Riff

**~~PROPOSED~~ ORDER GRANTING MOTION
FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

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1 The Motion for Preliminary Approval of Class Action Settlement, Conditional
2 Certification, Approval of Class Notice and Setting of Final Approval Hearing (“Motion”) by
3 Plaintiffs Michael Reynolds Enterprise, Inc. dba Reynolds Termite Control (“Reynolds”),
4 American Jetter & Plumbing, Inc. (“Jetter”), and Resilience Treatment Center (“Resilience,”
5 collectively “Named Plaintiffs”) came on for hearing on November 28, 2022 in Department 7
6 of the of the Superior Court of California for the County of Los Angeles, the Honorable
7 Lawrence P. Riff presiding.

8 Drew E. Pomerance of Roxborough, Pomerance, Nye & Adreani, LLP and Michael
9 Liskow of Calcaterra Pollack LLP appeared for Named Plaintiffs.

10 R. Timothy O’Connor and John De Leon appeared for Defendant State Compensation
11 Insurance Fund (“Defendant”).

12 Named Plaintiffs and Defendant are referred herein together as the “Parties.”

13 Upon reviewing the Motion, the Further Briefing on the Items Identified in the Court’s
14 Checklist for Preliminary Approval of Class Action Settlement (the “Further Briefing”), the
15 Amended Class Action Settlement and Release and exhibits attached thereto (“Settlement
16 Agreement” or “Settlement”), filed concurrently with the Further Briefing, and accompanying
17 supporting declarations and pleadings, and good cause appearing thereon, IT IS HEREBY
18 ORDERED that the Motion is GRANTED, on the following terms and conditions:

19 1. The Court, for purposes of this Order, adopts all defined terms as set forth in
20 the Settlement Agreement.

21 2. The Court preliminarily finds that the Settlement is fair, just, reasonable, and
22 adequate, and therefore preliminarily approves the Settlement, subject to further consideration
23 by the Court at the time of the Final Approval Hearing.

24 3. The Court grants conditional certification for the purpose of settlement to the
25 following Settlement Class:

26 All insureds of State Fund whose workers’ compensation insurance premiums were
27 calculated using a tier modifier in excess of 1.00, and where such calculation resulted in
28 the payment of a higher premium than the insured would have otherwise paid, for any
policy in effect from March 1, 2013, through the date of preliminary approval of this
Settlement. Excluded from the Class is State Fund, its affiliates, predecessors,

1 successors, officers, directors, agents, servants and employees and the immediate
2 families of such persons.

3 4. The Court appoints Named Plaintiffs Reynolds, Jetter and Resilience as Class
4 Representatives for the Settlement Class.

5 5. The Court appoints Roxborough, Pomerance, Nye & Adreani, LLP and Michael
6 Liskow of Calcaterra Pollack, LLP as Settlement Class Counsel.

7 6. The Court approves CPT Group, Inc. as the Claims Administrator. The Claims
8 Administrator shall comply with the terms and conditions of the Settlement Agreement in
9 carrying out its duties pursuant to the Settlement.

10 7. A Final Approval Hearing shall be held before this Court on March 29, 2023 at
11 10:00 a.m. before the Honorable Lawrence P. Riff in Department 7 of the Superior Court of
12 California, County of Los Angeles, 312 North Spring Street, Los Angeles, California, 90012
13 to determine: (a) whether the proposed settlement of these actions on the terms and conditions
14 provided for in the Settlement Agreement should be given final approval as fair, just and
15 reasonable; (b) whether an Order of Final Approval and Judgment should be entered; and (c)
16 whether Reynolds Counsel's and Jetter Counsel's application(s) for Attorneys' Fees and
17 Costs, and the Class Representatives' request for Service Payments to be paid from the
18 Settlement Fund, should be approved. The Final Approval Hearing may be postponed,
19 adjourned or continued by further order of the Court, without further notice to the Parties or
20 the Settlement Class Members.

21 8. The form, manner, and content of the Notices of Settlement, attached to the
22 Settlement Agreement as Exhibits A and B, will provide the best notice practicable to the
23 Settlement Class under the circumstances, constitutes valid and sufficient notice to all
24 Settlement Class Members, and fully complies with California Code of Civil Procedure
25 section 382, California Code of Civil Procedure section 1781, the Constitution of the State of
26 California, the Constitution of the United States, and other applicable law.

27 9. The Claims Administrator shall disseminate the Notices of Settlement as
28 provided in the Settlement Agreement and in the Notice Program, attached as Exhibit E to the

1 Settlement Agreement. The Claims Administrator shall complete the Notice Program no later
2 than thirty (30) days after entry of this Order.

3 10. Any Settlement Class Member who wishes to be excluded from the Settlement
4 Class must mail a written request for exclusion to the Claims Administrator at the address
5 provided in the Notices of Settlement, postmarked no later than twenty-eight (28) days prior to
6 the Final Approval Hearing (the “Opt-Out Deadline”). The request for exclusion must be
7 personally signed by the Settlement Class Member and must include: (i) the Settlement Class
8 Member’s name, address and telephone number; (ii) a sentence stating that he, she or it
9 believes they are a Settlement Class Member; and (iii) a statement making clear that the
10 Settlement Class Member requests to be excluded from the Reynolds and Jetter class
11 settlements. Any Settlement Class Member to whom any Short Form Notice or Long Form
12 Notice is resent after having been returned undeliverable to the Claims Administrator shall
13 have an additional fourteen (14) calendar days beyond the Opt-Out Deadline has expired. No
14 Settlement Class Member, or any person acting on behalf of or in concert or participation with
15 that Settlement Class Member, may exclude any other Settlement Class Member from the
16 Settlement Class. All Settlement Class Members will be bound by the Order of Final
17 Approval and Judgment unless such Settlement Class Member timely files a valid written
18 request for exclusion in accordance with this Order.

19 11. Any Settlement Class Member who has not filed a timely written request for
20 exclusion and who wishes to object to the fairness, reasonableness, or adequacy of the
21 Settlement Agreement or the proposed Settlement, to the request for an award of Attorneys’
22 Fees and Costs, or to the request for Service Payments for the Class Representatives must
23 submit to the Claims Administrator a written statement objecting to this Settlement
24 Agreement. Such objection and any supporting materials must be in writing, mailed to the
25 Claims Administrator and postmarked no later than twenty-eight (28) days prior to the Final
26 Approval Hearing (the “Objection Deadline”). An objection must state the objector’s name,
27 current address, email address (if available) and telephone number, the basis for the objection,
28 and be signed by the objector. Any Settlement Class Member to whom any Short Form Notice

1 or Long Form Notice is resent after having been returned undeliverable to the Claims
2 Administrator shall have an additional fourteen (14) calendar days beyond the Objection
3 Deadline has expired. Any Settlement Class Member may appear at the Final Approval
4 Hearing.

5 12. Named Plaintiffs shall file and serve papers in support of final approval of the
6 Settlement and in support of Reynolds Counsel's and Jetter Counsel's application(s) for an
7 award of Attorneys' Fees and Costs and Class Representatives' Service Payments at least sixty
8 (60) days prior to the Final Approval Hearing. Named Plaintiffs shall file a supplement to any
9 motion or petition in support of final approval, application for an award of Attorneys' Fees
10 and Costs, and Class Representatives' Service Payments, including a response to any
11 objections received (and attaching such objections), no later than seven (7) days prior to the
12 Final Approval Hearing.

13 13. No later than twenty-one (21) days before the Final Approval Hearing, the
14 Claims Administrator shall provide the Parties with a declaration of due diligence detailing the
15 completion of the Notice Program, and any attempts by the Claims Administrator to locate
16 Settlement Class Members, and its inability to deliver Notice to the Settlement Class Members
17 due to invalid mailing or email addresses (the "Due Diligence Declaration").

18 14. No later than seven (7) days before the Final Approval Hearing, the Parties will
19 file with the Court the Due Diligence Declaration and a declaration by the Claims
20 Administrator listing all of the valid opt-outs received

21 15. The Parties are hereby ordered, pursuant to the terms and conditions of the
22 Settlement Agreement, to take all necessary and appropriate steps to establish the means
23 necessary to implement the Settlement.

24 16. Pending the Final Approval Hearing, all proceedings in these actions, other
25 than proceedings necessary to carry out or enforce the terms and conditions of the Settlement
26 Agreement and this Order, are hereby stayed.

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IT IS SO ORDERED



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

DATED: 11/30/2022

Lawrence P. Riff / Judge

HONORABLE LAWRENCE P. RIFF

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4 **PROOF OF SERVICE**

5 STATE OF CALIFORNIA)
6) ss.
7 COUNTY OF LOS ANGELES)

8 I am employed in the county of Los Angeles, State of California. I am over the age of
9 18 and not a party to the within action; my business address is 5900 Canoga Avenue, Suite 450,
10 Woodland Hills, California 91367.

11 On the date below, I served the foregoing documents on the interested parties:

12 **[PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY**
13 **APPROVAL OF CLASS ACTION SETTLEMENT**

14 Pursuant to the Order Authorizing Electronic Service, entered in this matter on May 23, 2019, I
15 caused service of the foregoing document(s) on the interested parties as listed on the Service
16 List posted on www.caseanywhere.com for this matter by submitting an electronic version of the
17 document(s) via file transfer protocol (FTP) to Case Anywhere through the upload feature at
18 www.caseanywhere.com.

19 I declare under penalty of perjury and under the laws of the State of California that the
20 foregoing is true and correct.

21 Executed on November 28, 2022

22 /s/ ELIA RAMIREZ
23 ELIA RAMIREZ
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