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LAW AND MOTION DEPT. 53/54
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

LANZELL SMITH, individually, and on
behalf of other members of the general public
similarly situated;

Plaintiff,

v.

AMERICAN CAMPUS COMMUNITIES
SERVICES, INC., a Delaware corporation; and
DOES 1 through 100, inclusive;

Defendants.

Case No.: 34-2020-00280934

Honorable Shama H. Mesiwala
Department 53

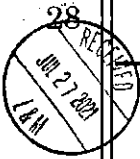
CLASS ACTION

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

[Reservation ID: 2577696]

Hearing Date: August 19, 2021
Hearing Time: 1:30 p.m.
Hearing Place: Department 53

Complaint Filed: June 18, 2020
Jury Trial: 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, the
3 Honorable Shama H. Mesiwala presiding, on August 19, 2021. The Court having considered the papers
4 submitted in support of the Motion, HEREBY ORDERS THE FOLLOWING:

5 1. The following Class is conditionally certified for purposes of settlement only: all current
6 and former non-exempt employees of American Campus Communities Services, Inc. ("Defendant") in
7 California during the Class Period ("Class"). The Class Period is time period from June 18, 2016,
8 through August 6, 2021 ("Class Period").

9 2. The Court grants preliminary approval of the settlement based upon the terms set forth in
10 the Joint Stipulation and Settlement Agreement ("Settlement Agreement," "Settlement," or
11 "Agreement") attached hereto as **Exhibit 1**. Capitalized terms shall have the definitions set forth in the
12 Settlement Agreement.

13 3. The Settlement appears to be fair, adequate, and reasonable to the Class. The Settlement
14 falls within the range of reasonableness and appears to be presumptively valid, subject only to any
15 objections that may be raised at the final approval hearing and final approval by this Court.

16 4. Plaintiffs Lanzell Smith and Rande McCormick ("Plaintiffs") are conditionally approved
17 as the Class Representatives for the Class.

18 5. The proposed Class Representative Enhancement Payment in the amount of \$10,000 to
19 each Plaintiff for their services as Class Representatives are conditionally approved.

20 6. Douglas Han, Shunt Tativos-Gharajeh, and Arsiné Grigoryan of Justice Law Corporation
21 are conditionally approved as Class Counsel for the Class.

22 7. The proposed payment of an Attorney Fee Award in an amount not to exceed thirty-eight
23 percent (38%) of the Gross Settlement Amount or \$760,000 and a Cost Award for actual litigation costs
24 to Class Counsel in the amount not to exceed \$25,000 are conditionally approved.

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1 8. A Final Approval hearing on the question of whether the Settlement Agreement, the
2 Attorney Fee Award, the Cost Award, and the Class Representative Enhancement Payments should be
3 finally approved as fair, reasonable, and adequate as to all Class Members who do not submit a valid
4 and timely request to exclude themselves from the Settlement (“Participating Class Members”) is
5 scheduled on the date and time set forth in Paragraph 15 below.

6 9. The Court confirms CPT Group, Inc. (“CPT Group”) as the Settlement Administrator.

7 10. The proposed payment of Administration Costs is currently estimated at \$13,000, but not
8 to exceed \$15,000, to CPT Group for its services is conditionally approved.

9 11. The Court also hereby conditionally approves and orders payment from the Gross
10 Settlement Amount the Private Attorneys General Act of 2004 (“PAGA”) Payment of \$150,000,
11 seventy-five percent (75%) of which (\$112,500) will be paid to the California Labor and Workforce
12 Development Agency (“LWDA”) and twenty-five percent (25%) of which (\$37,500) shall be part of the
13 Net Settlement Amount distributed to the aggrieved employees eligible to recover the PAGA Payment
14 that consist of all current and former non-exempt employees who worked for Defendant within the State
15 of California between May 28, 2019, through August 6, 2021, or Preliminary Approval Date, whichever
16 date is earlier (“Eligible Aggrieved Employees,” “PAGA Timeframe,” and “PAGA Payment”), on a pro
17 rata basis.

18 12. The Court approves, as to form and content, the Notice of Class Action Settlement (“Class
19 Notice”) as attached as **Exhibit A** to the Settlement Agreement. The Court also approves the procedure
20 for Class Members to participate in, to opt out of, and to object to the Settlement as set forth in the Class
21 Notice. The Court approves, as to the form and content, of the Election Not To Participate or Opt-out
22 Form (“Exclusion Form”) the Class Members may use to opt out of the Settlement attached as **Exhibit**
23 **B** to the Settlement Agreement.

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

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

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

a.	Deadline for Defendant to submit Database to Settlement Administrator	Within Thirty (30) calendar days after entry of the Preliminary Approval Order
b.	Deadline for Settlement Administrator to mail the Class Notice to Class Members	Within fourteen (14) calendar days after the Settlement Administrator's receipt of the Database
c.	Deadline for Class Members to request for exclusion from Settlement or postmark objections to Settlement to the Settlement Administrator	Forty-five (45) calendar days from the initial mailing of the Class Notice
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
f.	Deadline for Class Counsel to file Motion for Attorney Fee Award, Cost Award, and Class Representative Enhancement Payments	Sixteen (16) Court days before Final Approval Hearing in conformity with Code of Civil Procedure § 1005
g.	Final Approval Hearing and Final Approval	January 12, 2022 at 1:30 p.m. in Department 53

IT IS SO ORDERED.

Dated: **AUG 23 2021**

BY



SHAMA H. MESIWALA

Honorable Shama H. Mesiwala
Judge of the Superior Court