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**SPIVAK LAW**  
Employee Rights Attorneys

Mail:  
8605 Santa Monica Bl  
PMB 42554  
West Hollywood, CA 90069  
(213) 725-9094 Tel  
(213) 634-2485 Fax  
SpivakLaw.com

Office:  
15303 Ventura Bl  
Ste 900  
Sherman Oaks, CA 91403

DAVID G. SPIVAK (SBN 179684)  
david@spivaklaw.com  
THE SPIVAK LAW FIRM  
8605 Santa Monica Bl  
PMB 42554  
West Hollywood, CA 90069  
Telephone: (213) 725-9094  
Facsimile: (213) 634-2485

Attorneys for Plaintiff,  
KYLE COLLINS, and all others similarly situated

**JACKSON LEWIS P.C.**  
Joel P. Kelly (SBN 100716)  
Eve Tilley-Coulson (SBN 320886)  
725 South Figueroa Street, Suite 2500  
Los Angeles, California 90017  
Tel: (213) 689-0404; Fax: (213) 689-0430

Attorneys for Defendants

**IN THE SUPERIOR COURT OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

KYLE COLLINS, on behalf of himself, all others  
similarly situated,

*Plaintiff(s),*

vs.

SPA PRODUCTS IMPORT & DISTRIBUTION  
CO., LLC, a New York limited liability company;  
XPRESSPA HOLDINGS, LLC, a New York  
limited liability company; XPRESSPA LAX  
AIRPORT, LLC, a New York limited liability  
company; XPRESSPA LAX TOM BRADLEY,  
LLC, a New York limited liability company;  
XPRESSPA JOHN WAYNE AIRPORT, LLC, a  
New York limited liability company; XPRESSPA  
S.F. INTERNATIONAL, LLC, a New York limited  
liability company; and DOES 1 through 50,  
inclusive,

**FILED**  
Superior Court of California  
County of Los Angeles  
**02/25/2022**

Sherri R. Carter, Executive Officer / Clerk of Court

By: L. McGreené Deputy

Case No.: 19STCV10586

**[PROPOSED] ORDER FOR  
PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT**

Action filed: March 28, 2019  
Hearing Date: February 2, 2022  
Hearing Time: 10:30 a.m.  
Hearing Dept: SSC-12, Hon. Carolyn  
Kuhl

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**ADDITIONAL ATTORNEY FOR PLAINTIFF**

WALTER HAINES (SBN 71075)  
walter@uelglaw.com  
UNITED EMPLOYEES LAW GROUP  
4276 Katella Ave., #301  
Los Alamitos, CA 90720  
Telephone: (562) 256-1047  
Facsimile: (562) 256-1006  
  
Attorney for Plaintiff  
KYLE COLLINS, and all others similarly situated



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1 Plaintiff Kyle Collins' (hereafter referred to as "Plaintiff") Unopposed Motion for  
2 Preliminary Approval of Class Action Settlement ("Motion") was considered by the Court, the  
3 Honorable Carolyn B. Kuhl presiding. The Court having considered the Motion, the Joint  
4 Stipulation of Class Action and Representative Action Pursuant to Labor Code § 2699(f)  
5 Settlement and Release Between Plaintiff, on Behalf of Himself and All Others Similarly  
6 Situated and Aggrieved, and Defendant ("Settlement Agreement"), the Supplemental  
7 Memorandum of Points and Authorities in Support of Plaintiff's Unopposed Motion for  
8 Preliminary Approval of Class Action Settlement ("Supplemental MPA"), the First Amended  
9 Joint Stipulation of Class Action and Representative Action Pursuant to Labor Code § 2699(f)  
10 Settlement and Release Between Plaintiff, on Behalf of Himself and All Others Similarly  
11 Situated and Aggrieved, and Defendant ("Amended Settlement Agreement"), and supporting  
12 papers, **HEREBY ORDERS THE FOLLOWING:**

13 1. The Court GRANTS preliminary approval of the class action settlement as set  
14 forth in the Settlement and finds that its terms, as further set forth in the Settlement, appear to  
15 be proper, to be within the range of reasonableness of a settlement that ultimately could be  
16 granted approval by the Court at a Final Fairness Hearing, to be the product of arms-length  
17 negotiations, to treat the settlement class members fairly and to be presumptively valid, subject  
18 only to objections that may be raised. Therefore, for settlement purposes only, the Court grants  
19 conditional certification of the following Settlement Class:

20 All individuals who were non-exempt employees of Defendants in California  
21 from March 28, 2015 to May 23, 2020.

22 2. The Court's conditional certification of a class for settlement purposes only is  
23 not deemed a concession or admission by Defendants. If the settlement is not finally approved,  
24 Defendant retains all rights to assert the action should not be certified as a class, and the  
25 Settlement and all actions taken to effectuate it shall be vacated and not offered, received or  
26 construed as evidence for any purpose.



1           3.       For purposes of the Settlement, the Court designates Named Plaintiff Kyle  
2 Collins as Class Representative and designates David G. Spivak of The Spivak Law Firm and  
3 Walter Haines of United Employees Law Group as Class Counsel.

4           4.       The Court designates CPT Group, Inc. as the third-party Claims Administrator  
5 for mailing notices.

6           5.       The Court approves, as to form and content, the Notice of Proposed Class Action  
7 Settlement and Hearing Date For Court Approval (the "Notice"), attached as Exhibit A to the  
8 Settlement.

9           6.       The Court finds that the form of notice to the Settlement Class regarding the  
10 pendency of the action and of the Settlement, and the methods of giving notice to members of  
11 the Settlement Class, constitute the best notice practicable under the circumstances, constitute  
12 valid, due, and sufficient notice to all members of the Settlement Class, and satisfies the  
13 requirements of due process. The form and method of giving notice complies fully with the  
14 requirements of California Code of Civil Procedure section 382, California Civil Code section  
15 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,  
16 and other applicable law.

17          7.       The Court further approves the procedures for Class Members to opt out of or  
18 object to the Settlement, as set forth in the Notice.

19          8.       The procedures and requirements for filing objections in connection with the  
20 Final Approval Hearing are intended to ensure the efficient administration of justice and the  
21 orderly presentation of any Class Member's objection to the Settlement, in accordance with the  
22 due process rights of all Class members.

23          9.       The Court directs the Claims Administrator to mail the Notice to the members of  
24 the Plaintiff Class in accordance with the terms of the Settlement.

25          10.      The Notice shall provide 45 calendar days' notice for members of the Plaintiff  
26 Class to opt out of, or object to, the Settlement.

27          11.      The Final Approval Hearing on the question of whether the Settlement should be  
28 finally approved as fair, reasonable, and adequate is scheduled in Department 6 of this Court,



located at 312 N. Spring Street, Los Angeles, California 90012 on \_\_\_\_\_, 2022 at  
\_\_\_\_\_ a.m. / p.m.

12. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiffs' application for attorneys' fees, reimbursement of litigation expenses, enhancement payment to Plaintiff, claims administration costs, and payment to the Labor and Workforce Development Agency ("LWDA") for civil penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

13. Counsel for the parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of the Settlement, attorneys' fees, litigation expenses, Plaintiffs' enhancement payment, claims administration costs, and payment to the LWDA for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

14. An implementation schedule is below:

Event	Timing
Defendants to provide Settlement Administrator with the list of Class Members and all required Class Member's Data:	Within 30 calendar days after the Court's entry of this Order
Settlement Administrator to mail the Class Notice to the Class Members:	Within 30 calendar days after the Court's entry of this Order
Deadline for Class Members to request exclusion from, or object to the Settlement:	Within 45 days of the date of the initial mailing of the Notice
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	No less than 30 calendar days prior to the Final Fairness Hearing
Final Fairness Hearing	<del>JUDICIAL OFFICE</del> , 2022 at _____ a.m./p.m.



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1           15. Pending the Final Approval Hearing, all proceedings in this action, other than  
2 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and  
3 this Order, are stayed.

4           16. Counsel for the parties are hereby authorized to utilize all reasonable procedures  
5 in connection with the administration of the Settlement which are not materially inconsistent  
6 with either this Order or the terms of the Settlement.

7           17. The Court reserves the right to adjourn or continue the date of the Final Approval  
8 hearing and all other dates provided for in this Order and Settlement, without further notice to  
9 the class and to approve the settlement with modifications, if any, expressly consented to by  
10 Class Counsel and Defendants' counsel, without further class notice.

11 **IT IS SO ORDERED.**

12  
13 Dated: 02/25/2022, 2022



A handwritten signature in black ink that reads "Carolyn B. Kuhl".

\_\_\_\_\_  
Carolyn B. Kuhl / Judge  
Honorable Carolyn B. Kuhl  
Judge of the Superior Court



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