

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA
10/11/2023
Darrel E. Parker, Executive Officer
BY Allain, Kelley Deputy Clerk

HAINES LAW GROUP, APC
Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
Fletcher W. Schmidt (SBN 286462)
f Schmidt@haineslawgroup.com
Andrew J. Rowbotham (SBN 301367)
arowbotham@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

ASAF LAW, APC
Asaf Agazanof (SBN 285043)
asaf@lawasaf.com
2330 Westwood Blvd., Second Floor
Los Angeles, California 90064
Tel: (424) 254-8870
Fax: (888) 254-0651

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA**

OLIVIA ROSE RAMIREZ and KRYSTAL
PECORARO, as individuals and on behalf of
all others similarly situated,

Plaintiffs,

v.

WYNDHAM VACATION OWNERSHIP,
INC., a Delaware Corporation; and DOES 1-
100,

Defendants.

Case No.: 20CV01715

*[Assigned for all purposes to the Hon.
James F. Rigali, Dept. 2]*

**ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: October 10, 2023
Time: 8:30 a.m.
Dept.: 2

Action Filed: April 17, 2020
Trial Date: None Set

1 **[PROPOSED] ORDER**

2 The Motion of Plaintiff Olivia Rose Ramirez for Preliminary Approval of Class Action
3 Settlement came regularly for hearing before this court on October 10, 2023, at 8:30 a.m. The
4 Court, having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement,
5 the memorandum of points and authorities in support thereof, and supporting declarations filed
6 therewith; having considered the proposed Stipulation of Settlement (“Settlement Agreement” or
7 “Settlement”), attached as Exhibit 1 to the Declaration of Fletcher W. Schmidt filed concurrently
8 with the Motion; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set
10 forth in the Settlement Agreement, and finds its terms to be within the range of reasonableness of
11 a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing.

12 2. The Court preliminarily approves the terms of the Settlement Agreement and finds
13 that they fall within the range of approval as fair, adequate and reasonable. Based on a review of
14 the papers submitted by Plaintiff, the Court finds that the Settlement is the result of arms’-length
15 negotiations conducted after Plaintiff and/or Plaintiff’s counsel adequately investigated the claims
16 and became familiar with the strengths and weaknesses of the claims. The assistance of an
17 experienced mediator in the settlement process supports the Court’s conclusion that the
18 Settlement is non-collusive and reasonable. The Settlement is presumptively valid, subject only
19 to any objections that may be raised pursuant to the terms of the Settlement Agreement.

20 3. For purposes of the Settlement only, the Court finds that the proposed Settlement
21 Class is ascertainable and that there is a sufficiently well-defined community of interest among
22 the members of the Settlement Class in questions of law and fact. Therefore, for settlement
23 purposes only, the Court grants conditional certification of the following Settlement Class:

24 All current and former non-exempt housekeeping and guest services employees of
25 Defendant Wyndham Vacation Ownership, Inc. in California who worked at any
time between February 5, 2016, and May 23, 2023.

26 4. For purposes of the Settlement, the Court designates named Plaintiff Olivia Rose
27 Ramirez as the Class Representative, and designates Paul K. Haines, Fletcher W. Schmidt, and
28

1 Andrew J. Rowbotham of Haines Law Group, APC as Class Counsel.

2 5. The Court designates CPT Group, Inc. as the third-party Settlement Administrator
3 for mailing notices.

4 6. The Court approves, as to form and content, the Notice of Class Action Settlement
5 and Notice of Settlement Award (collectively, the “Notice Packet”) attached as Exhibit 2 to the
6 Declaration of Fletcher W. Schmidt.

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

14 8. The Court further approves the procedures for Settlement Class Members to opt-
15 out of or object to the Settlement, as set forth in the Class Notice and the Settlement Agreement.

16 9. The procedures and requirements for submitting objections in connection with the
17 Final Approval Hearing are intended to ensure the efficient administration of justice and the
18 orderly presentation of any Settlement Class Member’s objection to the Settlement, in accordance
19 with the due process rights of all Settlement Class Members.

20 10. The Court directs the Settlement Administrator to mail the Notice Packet to the
21 Class Members in English and Spanish, in accordance with the terms of the Settlement.

22 11. The Class Notice shall provide at least 60 calendar days’ notice for Settlement
23 Class Members to submit disputes, opt-out of, or object to the Settlement.

24 12. The Final Approval Hearing on the question of whether the Settlement Agreement
25 should be finally approved as fair, reasonable and adequate is scheduled on March 12, 2024 at
26 8:30 a.m. in Department 2 of this Court, located at 312 East Cook Street Building E, Santa Maria,
27 CA 93454. The Court reserves the right to continue the date of the Final Approval Hearing without
28

1 further notice to the Class Members. The Court retains jurisdiction to consider all further
2 applications arising out of or in connection with the Settlement Agreement.

3 13. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
4 Agreement should be approved as fair, reasonable, and adequate for the Settlement Class;
5 (b) whether a judgment granting final approval of the Settlement should be entered; and
6 (c) whether Plaintiff’s application for a Class Representative Enhancement Payment, settlement
7 administration costs, payment to the California Labor and Workforce Development Agency
8 (“LWDA”) for its 75% share of civil penalties under the Private Attorneys General Act
9 (“PAGA”), Labor Code § 2698 *et seq.*, and attorneys’ fees and costs to Plaintiff’s counsel should
10 be granted.

11 14. Plaintiff’s Counsel shall file memoranda, declarations, or other statements and
12 materials in support of their request for final approval of the Settlement and Plaintiff’s application
13 for a Class Representative Enhancement Payment, settlement administration costs, payment to
14 the LWDA for its share of PAGA penalties, and attorneys’ fees and costs to Plaintiff’s counsel
15 prior to the Final Approval Hearing according to the time limits set by the Code of Civil Procedure
16 and the California Rules of Court.

17 15. An implementation schedule is provided below (assuming the Court grants
18 preliminary approval of the Settlement on October 10, 2023):

Event	Date
Defendant to provide class contact information to Settlement Administrator no later than (30 days after preliminary approval):	November 9, 2023
Settlement Administrator to mail the Notice Packet to the Settlement Class Members no later than (10 business days after receiving contact info):	November 24, 2023
Deadline for Settlement Class Members to submit disputes, request exclusion from, or object to the Settlement (60 days after mailing):	January 23, 2024
Deadline for Plaintiff to file the Motion for Final Approval of Class Action Settlement:	February 16, 2024

1 Final Approval Hearing

March 12, 2024 at 8:30 a.m.

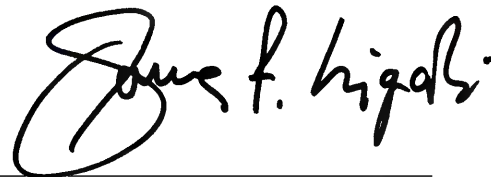
2
3 16. Pending the Final Approval Hearing, all proceedings in this action, other than
4 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
5 Order, are stayed.

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

9 18. In the event the Settlement is not finally approved, or otherwise does not become
10 effective in accordance with the terms of the Settlement, this Order shall be rendered null and
11 void and shall be vacated, and the parties shall revert to their respective positions as of before
12 entering into the Settlement.

13 **IT IS SO ORDERED.**

14 Dated: **10/11/2023**
15 _____, 2023



16 Honorable James F. Rigali
17 Judge of the Superior Court