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ALAMEDA COUNTY

JUL 22 2020

CLERK OF THE SUPERIOR COURT

By  Deputy

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MARLENE TORRES WELLS, SELWYN WARD,
and CARL LEUNG, individually
and on behalf of all others similarly situated

SUPERIOR COURT OF CALIFORNIA - COUNTY OF ALAMEDA

UNLIMITED JURISDICTION

MARLENE TORRES WELLS, SELWYN
WARD, and CARL LEUNG, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

AUTOLAND, LLC; and DOES 1 to 25,

Defendants.

Case No.: RG17880284

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT****Reservation: R-2136962**

Date: July 14, 2020

Time: 3:00 p.m.

Dept: 23 (The Hon. Brad Seligman)

Complaint Filed: October 26, 2017

The Motion for Preliminary Approval of Class Action Settlement having come before
this Court for hearing on July 14, 2020, and the Court having considered the papers submitted
in support of the motion,

HEREBY ORDERS THE FOLLOWING:

1. The Court grants Preliminary Approval of the Joint Stipulation and Settlement
Agreement, as modified by the Stipulation to Amend Joint Stipulation and Class Settlement
Agreement, as amended by the Stipulation to Amend Joint Stipulation and Class Settlement
Agreement (the "Settlement Agreement"), and conditionally certifies the Class, defined as "all
former and current non-exempt sales consultants of Defendant who were employed by the

[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

1 Defendant in the State of California at any time between October 26, 2017 and the date of
2 preliminary approval of this Settlement for settlement purposes only, based upon the facts set
3 forth in the Settlement Agreement attached as Exhibit A to the Declaration of James Farinaro,
4 as amended by the Stipulation to Amend Joint Stipulation and Class Settlement Agreement.

5 2. This Order incorporates by reference the definitions contained in the Settlement
6 Agreement. The Settlement appears to be fair, adequate, and reasonable.

7 3. The Settlement falls within the range of reasonableness and appears to be
8 presumptively valid, subject only to any objections that may be raised at the final fairness
9 hearing and final approval by this Court.

10 4. A final fairness hearing on the question of whether the proposed Settlement, Class
11 Counsel's Fees and Costs, and each of the Class Representative's Enhancement should be
12 finally approved as fair, reasonable and adequate to the members of the Settlement Class is
13 scheduled for November 24, 2020, at 3:00 pm, in Department 23 of the Alameda County
14 Superior Court, Administration Building, 1221 Oak Street, Oakland, California 94612.

15 5. The Court approves, as to form and content, the proposed Notice of Pendency of
16 Class Action and Proposed Settlement, attached as Exhibit A hereto (the "Notice"). The Court
17 approves the procedure for Class Members to object to the Settlement and/or opt-out of the
18 Settlement as set forth in the Notice.

19 6. The Court directs the mailing of the Notice by First-Class Mail to the Class Members
20 in accordance with the schedule set forth below. The Court finds that the dates selected for the
21 mailing and distribution of the Notice, as set forth in the schedule, meet the requirements of
22 due process and provide the best notice practicable under the circumstances and shall constitute
23 due and sufficient notice to all persons entitled thereto.

24 7. The Court finds that the Class, as defined in the Settlement Agreement, for
25 settlement purposes only, meets the requirements for class certification in that: (a) the Class is
26 sufficiently numerous and ascertainable; (b) the Class meets the commonality requirement as
27 common questions of fact and law predominate; (c) the claims of the Class Representative are
28 typical of those of the Class; (d) the Class Representative and Plaintiffs' Counsel have and are

1 able to adequately represent the Class; and (e) class-wide treatment of this dispute is superior
2 to individual litigation.

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

4 8. The Court acknowledges that Class Counsel will seek Class Counsel's Fees in the
5 amount of \$208,312.50 and costs in an amount not to exceed \$10,000, and Class
6 Representative Enhancements in the amount of Five Thousand Dollars (\$5,000) each to
7 Representative Plaintiffs Marlene Torres Wells and Carrie Sinai, and Two Thousand Five
8 Hundred Dollars (\$2,500) each to Representative Plaintiffs Selwyn Ward and Carl Leung.

9 9. The Court preliminarily approves James Farinaro, Law Office of James Farinaro, as
10 Class Counsel.

11 10. The Court preliminary approves Plaintiffs Marlene Torres Wells, Carrie Sinai,
12 Selwyn Ward and Carl Leung, as Class Representatives.

13 11. The Court preliminarily approves CPT, Group, Inc. as Settlement Administrator.

14 12. The Court orders the following schedule for further proceedings:

15 a. Settlement Administrator to mail Class Notice to Class Members by August
16 17, 2020.

17 b. Deadline for Class Members to submit objection to, or opt-out of, the
18 Settlement Agreement is 45 calendar days following the mailing of the Class Notice, or
19 October 1, 2020.

20 c. Settlement Administrator to provide parties with Declaration of Compliance
21 at least 43 calendar days prior to Final Approval Hearing, or October 12, 2020.

22 d. Deadline for Plaintiff to file Motion for Final Approval of Class Settlement is
23 16 court days prior to the Final Approval Hearing date, or October 30, 2020.

24
25 IT IS SO ORDERED.

26 Dated: 7/22, 2020

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JUDGE OF THE SUPERIOR COURT