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**ELECTRONICALLY FILED**  
Superior Court of California  
County of Marin  
James M. Kim, Clerk of the Court  
N. Johnson, Deputy

11 Attorneys for Representative Plaintiff

12  
13 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **IN AND FOR THE COUNTY OF MARIN**

15 CHRISTOPHER LYON, individually, and  
16 on behalf of all others similarly situated,  
17  
18 Plaintiff,  
19  
20 vs.  
21  
22 BAYSIDE MARIN, INC., and DOES 1  
23 through 100, inclusive,  
24  
25 Defendants.

Case No. CIV2103872

**CLASS ACTION**

**AMENDED [~~PROPOSED~~] ORDER  
GRANTING PRELIMINARY APPROVAL OF  
CLASS AND PAGA SETTLEMENT**

**Date: July 26, 2023**  
**Time: 1:30 pm**  
**Dept.: B**  
**Judge: James T. Chou**

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MARIN COUNTY  
SUPERIOR COURT

FAXED

1 **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

2 Plaintiff Christopher Lyon's ("Plaintiff") Motion for Preliminary Approval of Class and  
3 PAGA Settlement ("Motion for Preliminary Approval") came before this Court, on July  
4 26,2023, at 1:30 p.m. in Courtroom B, before the Honorable James T. Chou. The Court having  
5 reviewed the Agreement and considered the papers, the arguments of counsel, and all other  
6 evidence and matters presented, and good cause appearing:

7 **IT IS ORDERED** that the Motion for Preliminary Approval of Class and PAGA  
8 Settlement is **GRANTED**, subject to the following findings and orders:

9 1. The Court grants preliminary approval of the Parties' settlement based upon the  
10 terms set forth in the Joint Stipulation of Class Action and PAGA Settlement ("Agreement"  
11 or "Settlement") filed herewith. All terms used herein have the same meaning as defined in  
12 the Agreement. The settlement set forth in the Agreement appears to be fair, adequate and  
13 reasonable to the Class and PAGA Members.

14 2. It appears to the Court on a preliminary basis that (a) the Settlement is fair,  
15 adequate and reasonable; (b) the Maximum Settlement Amount and Net Settlement Amount are  
16 fair, adequate and reasonable when balanced against the probable outcome of further litigation  
17 relating to liability and damages issues; (c) sufficient investigation and research have been  
18 conducted such that counsel for the Parties at this time are able to reasonably evaluate their  
19 respective positions; (d) settlement at this time will avoid additional costs by all Parties, as well  
20 as avoid the delay and risks that would be presented by the further prosecution of the Action;  
21 and (e) the Settlement has been reached as the result of non-collusive, arms-length negotiations.

22 3. A final fairness hearing on the question of whether the Settlement, Attorneys'  
23 Fees and Costs to Class Counsel, Plaintiff's Enhancement Award, and Administration Expenses  
24 should be finally approved as fair, reasonable and adequate as to the members of the Class is  
25 scheduled in Courtroom B on the date and time set forth in Paragraph 10 below.

26 4. This Court approves, as to form and content, the Class Notice, in substantially  
27 the form attached hereto and to the Agreement as **Exhibit A**. The Court approves the procedure  
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1 for Class Members to participate in, to opt out of, and/or to object to, the Settlement as set forth  
2 in the Agreement and the Class Notice.

3 5. The Court directs the mailing of the Class Notice by first class mail to the Class  
4 and PAGA Members in accordance with the Implementation Schedule set forth below. The  
5 Court finds the dates selected for the mailing and distribution of the Class Notice, as set forth in  
6 the Implementation Schedule, meet the requirements of due process and provide the best notice  
7 practicable under the circumstances and will constitute due and sufficient notice to Class and  
8 PAGA members.

9 6. The Court concludes that, for settlement purposes only, the Class is preliminarily  
10 and conditionally certified and meets the requirements for certification under section 382 of  
11 California Code of Civil Procedure in that: (1) the Class is ascertainable and so numerous that  
12 joinder of all members of the Class is impracticable; (b) common questions of law and fact  
13 predominate, and there is a well-defined community of interest amongst the members of the  
14 Class with respect to the subject matter of the litigation; (c) Plaintiff's claims are typical of the  
15 claims of the members of the Class; (d) Plaintiff will fairly and adequately protect the interest  
16 of the members of the Class; (e) a class action is superior to other available methods for the  
17 efficient adjudication of the controversy; and (f) Class Counsel is qualified to act as counsel for  
18 the Plaintiff in his individual capacity and as the representative of the Class. The Class is defined  
19 as all persons employed by Defendant in an hourly non-exempt position in California during the  
20 Class Period who did not sign arbitration agreements.

21 7. The Court confirms Plaintiff Christopher Lyon as the Class Representative, and  
22 Scott Edward Cole, Laura Van Note, and Cody Alexander Bolce of the firm COLE & VAN  
23 NOTE as Class Counsel.

24 8. The Court confirms CPT Group as the Settlement Administrator.

25 9. The Court approves the proposed procedures, as set forth in the Agreement for:  
26 seeking exclusion from the Settlement by submitting to the Administrator a valid and timely  
27 Request for Exclusion; objecting to the Settlement by filing with the Court and submitting to the  
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1 Administrator a written objection; and disputing credited workweeks by submitting to the  
2 Administrator a valid and timely Workweek Dispute.

3 10. A final fairness hearing will be held before this Court on December 6<sup>th</sup>, 2023 at  
4 1:30p.m. in Courtroom B of the Superior Court of California for the County of Marin located  
5 at 3501 Civic Center Drive, San Rafael, CA 94903, to determine all necessary matters  
6 concerning the Settlement, including: whether the proposed settlement of the Action on the  
7 terms and conditions provided for in the Agreement is fair, adequate, and reasonable and  
8 should be finally approved by the court; whether a judgment, as provided in the Agreement,  
9 should be entered; whether the plan of allocation contained in the Settlement should be  
10 approved as fair, adequate, and reasonable to the Class Members; and determine whether to  
11 finally approve the allocations and requests for Class Counsel's Fees and Costs, Plaintiff's  
12 Enhancement Award, Administration Expenses, and PAGA Allocation. Class Counsel will file  
13 a motion for final approval of the Settlement and for Class Counsel's Fees and Costs, Plaintiff's  
14 Enhancement Award, and Administration Expenses, along with the appropriate declarations  
15 and supporting evidence, including the Administrator's declaration in accordance with  
16 California Code of Civil Procedure section 1005(b) (i.e., 16 court days prior to the final  
17 fairness hearing).

18 The Court orders the following **Implementation Schedule** for further proceedings:  
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	Event	Date
21 22 23	a. Deadline for Defendant to Submit Class Data to Administrator	[30 calendar days after Order granting preliminary Approval]
24 25 26	b. Deadline for Administrator to Mail Class Notice to Class and PAGA Members	[40 calendar days after Order granting preliminary Approval]

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c.	Deadline for Class Members to Postmark Workweek Dispute	[30 calendar days after mailing of the Class Notice]
d.	Deadline for Class Members to Postmark Requests for Exclusion	[60 calendar days after mailing of the Class Notice]
e.	Deadline for Receipt by Court and Administrator of any objections to Settlement	[60 calendar days after mailing of the Class Notice]
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Class Counsel's Attorneys' Fees and Costs and Plaintiff's Enhancement Award	[16 Court days before Final Approval Hearing]
g.	Deadline for filing of Declaration by Administrator of Due Diligence and Proof of Mailing	[16 Court days before Final Approval Hearing]
h.	Deadline for Defendant to provide written Notice of Rescission of Settlement to Class Counsel (if applicable)	[10 calendar days before Final Approval Hearing, provided number and percentage of opt outs previously provided to Defendant]
i.	Final Approval Hearing	Date: <u>08/14/2018</u> Time: <u>10:00 AM</u>
j.	Deadline for Defendant to pay Maximum Settlement Amount to Administrator	[30 calendar days after Effective Date] (if Settlement is Effective)
k.	Deadline for Settlement Administrator to distribute Individual Class Awards, Individual PAGA Awards, Plaintiff's Enhancement Award, LWDA Payment, Administration Expenses, and Class Counsel's Attorneys' Fees and Costs (if Settlement is Effective)	[40 calendar days after Effective Date] (if Settlement is Effective)

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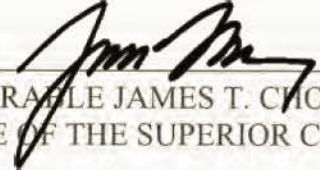
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l.	Deadline for Plaintiff to file Administrator's Declaration of Compliance and Proof of Payment (if Settlement is Effective)	[240 calendar days after Effective Date] (if Settlement is Effective)
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11. Pending the final fairness hearing, all proceedings in this Action, other than proceedings necessary to carry out or enforce the terms of the Settlement and this Order, are hereby stayed.

**IT IS SO ORDERED.**

Dated: 08/07/2023

  
HONORABLE JAMES T. CHOU  
JUDGE OF THE SUPERIOR COURT