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KING & SIEGEL

Julian Burns King (SBN 298617)
julian@kingsiegel.com
Elliot J. Siegel (SBN 286798)
elliot@kingsiegel.com
724 S. Spring Street, Suite 201
Los Angeles, California 90014
Telephone: (213) 465-4802
Facsimile: (213) 465-4803

MELMED LAW GROUP P.C.

Jonathan Melmed (SBN 290218)
jm@melmedlaw.com
1801 Century Park East, Suite 850
Los Angeles, California 90067
Telephone: (310) 824-3828
Facsimile: (310) 862-6851

Attorneys for Plaintiffs and the Putative Class

RECEIVED
LOS ANGELES SUPERIOR COURT
JUL 29 2020
R. NAZARYAN

FAXED

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

David Lachman and Arthur Steiner,
individually and on behalf of all similarly
situated individuals,

Plaintiffs,

v.

Berlitz Languages, Inc., a New York
Corporation; Berlitz Corporation, a New
York; and DOES 1-100,

Defendant.

Case No. 19STCV01533

CLASS ACTION

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

Date: August 20, 2020
Time: 10:30 a.m.
Dept.: 12
Judge: Hon. Carolyn B. Kuhl

Complaint Filed: January 22, 2019
FAC Filed: February 11, 2020
Trial Date: None Set

1 This matter having come for hearing on August 20, 2020 regarding Plaintiffs'
2 unopposed Motion for Preliminary Approval of a Proposed Class Action Settlement on the
3 terms set forth in the Joint Stipulation re: Class Action Settlement (the "Settlement" or
4 "Stipulation"). Having considered the Settlement, all papers and proceedings held herein, and
5 having reviewed the entire record in this action, the Court hereby finds and orders:

6 1. The Court grants preliminary approval of the Settlement and the Settlement
7 Class based upon the terms set forth in the Stipulation, attached as **Exhibit A** to the Declaration
8 of Jonathan Melmed in Support of Plaintiffs' Motion for Preliminary Approval of Class Action
9 Settlement. All terms used herein shall have the same meaning as defined in the Settlement
10 Agreement. The settlement set forth in the Settlement Agreement appears to be fair, adequate,
11 and reasonable to the Class.

12 2. The Settlement falls within the range of reasonableness and is presumptively
13 valid, subject only to any objections that may be raised at the final fairness hearing and final
14 approval by this Court.

15 3. A final fairness hearing on the question of whether the proposed Settlement,
16 attorneys' fees and costs to Class Counsel, and the Class Representative's Enhancement Award
17 should be finally approved as fair, reasonable, and adequate as to the members of the Class is
18 scheduled in Department 12 on the date and time set forth in the implementation schedule in
19 Paragraph 10 below.

20 4. This Court approves, as to form and content, the Notice of Proposed Class
21 Action Settlement and Hearing Date for Court Approval ("Class Notice") in substantially the
22 form attached to the Settlement Agreement as **Exhibit 1**. The Court approves the procedure for
23 Class Members to participate in, to opt out of, and to object to, the Settlement as set forth in the
24 Settlement Agreement.

25 5. The Court directs the mailing of the Class Notice by first class mail to the Class
26 Members in accordance with the Implementation Schedule set forth below. The Court finds the
27 dates selected for the mailing and distribution of the Notice, as set forth in the Implementation
28 Schedule, meet the requirements of due process and constitute the best notice practicable under

1 the circumstances and due and sufficient notice to all persons entitled thereto.

2 6. The Court preliminarily certifies the Settlement Class for settlement purposes.

3 7. The Court confirms Plaintiff David Lachman and Arthur Steiner as Class
4 Representatives. The Court further confirms Jonathan Melmed of Melmed Law Group P.C.,
5 and Julian Burns King and Elliot J. Siegel of King & Siegel as Class Counsel.

6 8. The Court appoints CPT Group, Inc. as the Settlement Administrator.

7 9. To facilitate administration of the Settlement pending final approval, the Court
8 hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any claims, suits or
9 administrative proceedings (including filing claims with the Division of Labor Standards
10 Enforcement of the California Department of Industrial Relations) regarding claims released by
11 the Settlement, unless and until such Class Members have filed valid Requests for Exclusion
12 with the Settlement Administrator and the time for filing claims with the Settlement
13 Administrator has elapsed.

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

16			
17	a.	Deadline for Defendant to Submit Class List to the Settlement Administrator	[Within thirty (30) calendar days of Preliminary Approval]
18			
19	b.	Deadline for Settlement Administrator to Mail Notice Packets to all Class Members	[Within forty-five (45) calendar days of Preliminary Approval]
20			
21	c.	Deadline for Class Members to Postmark Share Forms with Challenges	[Within forty-five (45) days after mailing of the Class Notice and Share Form]
22			
23	d.	Deadline for Class Members to Postmark Requests for Exclusion	[Within forty-five (45) days after mailing of the Class Notice and Share Form]
24			
25	e.	Deadline for Class Members to submit any Objections to Settlement	[Within forty-five (45) days after mailing of the Class Notice and Share Form]
26			
27	f.	Deadline for Settlement Administrator to Provide Class Counsel with Declaration of Due Diligence	[No later than 16 court days prior to the deadline for Class Counsel to file its Motion in support of Final Approval]
28			

g.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[No later than 16 court days prior to Final Approval and Fairness Hearing]
h.	Final Approval and Fairness Hearing	<u>April 1, 2021</u> at <u>10:30</u> a.m./p.m.

11. If any of the dates in this Implementation Schedule fall on a weekend, bank or court holiday, the time to act shall be extended to the next business day.

IT IS SO ORDERED.

CAROLYN B. KUHL, JUDGE
COMPLEX CIVIL LITIGATION

Dated: Aug. 10, 2020

Hon. Carolyn B. Kuhl