

DEC 22 2020

By: R. Cersosimo, Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

ANDREW RASMUSSEN, in a
Representative capacity only, and on behalf
of other members of the public similarly
situated

Plaintiff,

v.

CUSTOMIZED SERVICES
ADMINISTRATORS, INC., a California
Corporation; and DOES 1-10, inclusive

Defendants

CASE NO. 37-2020-00008581-CU-OE-CTL

(Class and Representative Action)

AMENDED ~~PROPOSED~~ ORDER
GRANTING PLAINTIFF'S APPLICATION
RE: UNOPPOSED MOTION FOR
CONDITIONAL CERTIFICATION OF
SETTLEMENT CLASS AND
PRELIMINARY APPROVAL OF GOOD
FAITH DETERMINATION OF CLASS
ACTION SETTLEMENT

Date: December 22, 2020

Time: 8:45 a.m.

Dept.: C-68

Judge: Hon. Richard S. Whitney

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Plaintiff ANDREW RASMUSSEN's *Ex Parte* Application Re: Unopposed Motion for
3 Conditional Certification of Settlement Class and Preliminary Approval of Good Faith Determination
4 of Class Action Settlement, in the above-captioned matter, came on for hearing before this Court on
5 December 22, 2020 at 8:45 a.m. Sullivan & Yaeckel Law Group, APC appeared on behalf of Plaintiff
6 and the Class; GORDON REES SCULLY MANSUKHANI, LLP, appeared on behalf of Defendant.

7 On good cause shown, and pursuant to the authority of California statutory and case law, this
8 Court finds that the settlement between Plaintiff and Defendant was made in good faith pursuant to
9 California Rules of Court, rules 3.769 and 3.770. Accordingly, this Court rules as follows:

10 **IT IS HEREBY ORDERED THAT:**

- 11 1. Plaintiff's Unopposed Motion for Preliminary Approval of Good Faith Determination of Class
12 Action Settlement is hereby granted.
- 13 2. Specifically, the Court preliminarily orders as follows:
 - 14 a. Conditionally certifying the following class, which is subject to the Settlement:
15 All current and former nonexempt employees who worked at CUSTOMIZED
16 SERVICES ADMINISTRATORS, INC between February 24, 2016 and December 22,
17 2020 are included;
 - 18 b. Appointing named plaintiff ANDREW RASMUSSEN as Class Representative;
 - 19 c. Appointing Sullivan & Yaeckel Law Group, APC, as Class Counsel;
 - 20 d. Approving as to form and content the proposed Notice of Class Action Settlement.
21 Specifically, the Court finds that the procedure for distributing the Class Notice
22 (pursuant to the Settlement Agreement) (i) constituted the best practicable notice; (ii)
23 constituted notice that was reasonably calculated, under the circumstances, to apprise
24 Settlement Class Members of the pendency of the Action, and their right to exclude
25 himself from or object to the proposed settlement and to appear at the Final Approval
26 Hearing; (iii) was reasonable and constituted due, adequate, and sufficient notice to all
27 persons entitled to receive notice; and (iv) met all applicable requirements of due
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- 1 process, and any other applicable rules or law;
- 2 e. Appointing CPT Group (“CPT”) to act as the third party settlement administrator. CPT
- 3 is directed to issue—via first-class United States mail—the Notice of Proposed Class
- 4 Action Settlement, as specified in the Joint Stipulation and Settlement of Class Action.
- 5 f. The Settlement is preliminarily approved subject only to the objections of Class
- 6 Members and final review by the Court;
- 7 g. Class Counsel’s request for Attorneys’ Fees and Costs up to an amount of \$60,000.00
- 8 in fees, and up to \$10,000.00 in costs, is preliminarily approved, subject to the final
- 9 review of the Court;
- 10 h. Class Representative’s enhancement award of \$500.00 to be provided to Plaintiff
- 11 Andrew Rasmussen in consideration for serving as Class Representative is
- 12 preliminarily approved, subject to final review of the Court;
- 13 3. Following the end of the Notice period, for which Class Members may submit Requests for
- 14 Exclusions, and at least 16 court days prior to the hearing date, Plaintiff shall submit his
- 15 Motion for Final Approval of Good Faith Determination of Class Action Settlement;
- 16 4. This litigation is hereby stayed a pending the Final Approval Hearing. Plaintiff, California
- 17 Class Members and FLSA Collective Members may not from prosecuting any claims against
- 18 Defendants or the Release Parties pending the Final Approval Hearing;
- 19 5. Preliminary approval of the Settlement, certification of the California Settlement Class
- 20 Members and the California Class Claims and the FLSA Settlement Collective Members and
- 21 the FLSA Collective Claims, and all actions associated with them, are undertaken on the
- 22 condition that they shall be vacated if the Settlement Agreement is terminated or disapproved
- 23 in whole or in part by the Court, or any appellate court and/or other court of review in which
- 24 event the Settlement Agreement and the fact that it was entered into shall not be offered,
- 25 received, or construed as an admission or as evidence for any purpose, including but not
- 26 limited to an admission by any Party of liability or non-liability or of the certifiability of a
- 27 litigation class or the appropriateness of maintaining a representative action.
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6. Plaintiff's Motion for Final Approval of Good Faith Determination of Class Action
Settlement shall be heard in Department 68 of this Court on May 7, 2021 at
10:30 a.m.

IT IS SO ORDERED.

Dated: 12-22-20


HON. RICHARD S. WHITNEY
JUDGE OF THE SUPERIOR COURT