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ALAMEDA COUNTY

FEB 25 2020

CLERK OF THE SUPERIOR COURT

By *[Signature]* Deputy

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14 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
15 **COUNTY OF ALAMEDA**

16
17 LISA STEMPIEN, individually and on behalf of
all others similarly situated,

18 Plaintiff,

19 v.

20 DEVRY UNIVERSITY, INC., a Delaware
21 Corporation,

22 Defendant.
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Case No.: RG19002623

**REVISED [~~PROPOSED~~] ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

1 This matter is before the Court on Plaintiff's unopposed Motion for Preliminary Approval of
2 Class Action Settlement (the "Settlement Agreement") of the above-entitled case attached hereto as
3 **Exhibit 1**. The motion, having been fully considered by the Court, and it appearing to the Court, upon
4 preliminary examination, that the settlement set forth herein is within the range of reasonableness, and
5 that a hearing should and will be held after notice to the Class to confirm that the Settlement Agreement
6 therein is fair, adequate and reasonable, and to determine whether a judgment should be entered in this
7 action thereon:

8 IT IS HEREBY ORDERED THAT:

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10 1. This Order hereby incorporates by reference the definitions in the Settlement
11 Agreement, and all terms used herein shall have the same meaning as set forth in the Settlement
12 Agreement.

13 2. This Court preliminarily approves the Settlement Agreement and finds that it is
14 within the range of reasonableness as to the Class and Defendant, and is the product of good faith,
15 arm's length negotiations between the parties.

16 3. This Court certifies a provisional class for the purposes of this settlement defined
17 as: all current employees or former employees who, between January 15, 2015 and date of
18 Preliminary Approval of this Settlement performed the duties of an Adjunct Instructor or Visiting
19 Professor for Defendant in California.

20 4. The Court finds that for the purposes of settlement, Plaintiff has established in his
21 moving papers and supporting declarations all of the requirement for certification of a provisional
22 settlement class pursuant to C.R.C., Rule 3.769(d).

23 5. The Court appoints and designates CPT, Inc. as Settlement Administrator. The
24 Court further preliminarily approves the payment of the settlement administration costs as
25 provided in the Settlement Agreement.

26 6. The Court appoints and designates Plaintiff as the Class Representative, and the
27 law firm HammondLaw, P.C. as Class Counsel.

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2 7. The Court preliminarily approves payment from the Gross Settlement Amount of
3 the Service Award to Plaintiff and payment of attorneys' fees and costs to Class Counsel as set
4 forth in the Settlement Agreement.

5 8. Notice shall be provided to the Class Members in the following manner: Within ten
6 (10) calendar days of this Order, Defendant shall provide the Class List to the Settlement
7 Administrator. Within fourteen (14) calendar days of this Order, the Settlement Administrator
8 will send the Class Notice attached as Exhibit A Settlement Agreement ("Class Notice") to the
9 Class via U.S. First Class Mail.

10 9. Class Members will have sixty (60) calendar days from the date of the first mailing
11 to submit requests for exclusion, and/or objections. Unless a Class Member submits a valid and
12 timely Request for Exclusion as provided in the Settlement Agreement, he/she will automatically
13 become a Settlement Class Member. Class Members who wish to be excluded from the settlement
14 must do so in writing and must include the Class Member's name, address, and a clear statement
15 that he or she seeks to be excluded from the Settlement. Class Members who wish to object to the
16 settlement must do so in writing and must include the Class Member's Class Member's full name,
17 address, the case name and number of the Action, and a clear statement of the basis for his or her
18 objection. All exclusion and objections must be mailed to the Settlement Administrator and
19 postmarked no later than the Response Deadline.

20 10. Class Members will have the right to challenge only the number of Credits as
21 shown on the Notice. Class Members who wish to dispute the number of Credits must do so in
22 writing and must include the Class Member's full name, address, signature, and last four digits of
23 his or her Social Security number; the case name and number of the Action; a clear statement
24 indicating that he or she disputes the number of Credits credited to him or her; and facts
25 supporting the Class Member's dispute, along with any supporting materials confirming that the
26 Credits credited to him or her are incorrect. Challenges to the number of Credits must be mailed to
27 the Settlement Administrator and postmarked no later than the Response Deadline. Challenges
28 shall be resolved without hearing by the Settlement Administrator, who will make a decision

1 based on Defendant's records and any document or information presented by the Class Member
2 making the challenge, Class Counsel, or Defendant's Counsel. The Settlement Administrator's
3 determination shall be final and binding.


4 11. The Final Approval Hearing shall be held on June 30, 2020 at 3:00 p.m. to
5 determine whether the Settlement Agreement is fair, adequate, reasonable, and should be
6 approved.

7 12. The dates of performance, unless otherwise modified by the Court, are as follows:

8 Within 10 calendar days of Preliminary Approval Order	Defendant shall provide the Settlement Administrator with the Class Data List
9 Within 14 calendar days of Preliminary Approval Order	Deadline for Settlement Administrator to mail the Class Notice by first class mail
10 60 days after Notices are mailed	Deadline for Class Members to submit objections or exclusions to the Settlement; deadline for Class Members to dispute number of Credits listed on Notice

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16 **IT IS SO ORDERED.**

17 Date: 2/25, 2020

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20 Hon. Brad Seligman
21 Judge of the Superior Court
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