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13 ROBERT MILLEMAN; ORVILLE OSBORNE; JEFFREY  
14 SNYDER; and DENNIS SPOHR

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 FOR THE COUNTY OF SONOMA

17 RALPH GRAY, JR.; DAVID JARRELL;  
18 ROBERT MILLEMAN; ORVILLE  
19 OSBORNE; JEFFREY SNYDER; and  
20 DENNIS SPOHR on behalf of themselves  
21 and other similarly situated,

22 Plaintiffs,

23 v.

24 HANSEL FORD, INC.,

25 Defendant.

CASE NO.: SCV258850

*Assigned for all purposes to the  
Honorable Patrick Broderick, Dept. 16*

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT,  
CONDITIONAL CERTIFICATION,  
APPROVAL OF CLASS NOTICE, AND  
SETTING OF FINAL APPROVAL  
HEARING DATE**

DATE: AUGUST 4, 2021  
TIME: 3:00 PM  
DEPT.: 16

SAC Filed: September 21, 2016  
FAC Filed: June 7, 2016  
Trial Date:

26 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

27 The Motion for Preliminary Approval of Class Action Settlement came before this  
28 Court, the Honorable Patrick Broderick presiding, on 8/4/21. The Court having  
considered the papers submitted in support of the Motion, HEREBY ORDERS THE  
FOLLOWING:

**FILED**

AUG 04 2021

Clerk of Superior Court of California,  
County of Sonoma  
By Deputy Clerk

RECEIVED

AUG 12 2021

WR & R

CPS

1           1.       The following Class is conditionally certified for purposes of settlement  
2 only: All of Defendant Hansel Ford, Inc.'s current or former non-exempt technicians or  
3 mechanics who were employed in the State of California from May 24, 2012 to  
4 \_\_\_\_\_.

5           2.       The Court grants preliminary approval of the Settlement based upon the  
6 terms set forth in the Joint Stipulation of Class Action and PAGA Settlement attached  
7 hereto as **Exhibit 1**. Capitalized terms shall have the definitions set forth in the Settlement.

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

12          4.       Plaintiffs RALPH GRAY, JR.; DAVID JARRELL; ROBERT  
13 MILLEMAN; ORVILLE OSBORNE; JEFFREY SNYDER; and DENNIS SPOHR are  
14 conditionally approved as the Class Representatives for the Class.

15          5.       The proposed Class Representative Enhancement payments of \$3,000  
16 payable to Plaintiffs RALPH GRAY, JR.; DAVID JARRELL; ROBERT MILLEMAN;  
17 ORVILLE OSBORNE; JEFFREY SNYDER; and DENNIS SPOHR for their agreement to  
18 a general release of claims and their services as the Class Representatives is conditionally  
19 approved.

20          6.       David A. Rosenfeld and Caren P. Sencer of WEINBERG, ROGER &  
21 ROSENFELD are conditionally approved as Class Counsel for the Class.

22          7.       The proposed awards not to exceed \$444,076.43 in Class Counsel Fees and  
23 Costs to Class Counsel are conditionally approved.

24          8.       A final approval hearing on the question of whether the Settlement, Class  
25 Counsel Fees and Costs, and the Class Representative Enhancement payment should be  
26 finally approved as fair, reasonable and adequate as to Eligible Class Members is  
27 scheduled on the date and time set forth in Paragraph 17 below.

28          9.       The Court confirms CPT Group as the Claims Administrator.

1           10.     The proposed payment of no more than \$7,500.00 in costs to CPT Group for  
2 its services as the Claims Administrator is conditionally approved.

3           11.     The Court also hereby conditionally approves and orders payment of civil  
4 penalties of \$10,000, as follows. Seventy-five percent (75%), or \$7,500 of shall be paid to the  
5 LWDA and shall be funded by Hansel Ford, Inc. in addition to the amount of the Total  
6 Settlement Amount ("LWDA Fund"). Twenty-Five percent (25%), or \$2,500 ("LWDA  
7 Fund Remainder") shall become part of the Net Settlement Fund distributable to Class  
8 Members.

9           12.     The Court approves, as to form and content, the Notice of Class Action  
10 Settlement in substantially the form attached as Exhibit "A" to the Settlement. The Court  
11 approves the procedure for Class Members to participate in, to opt out of, and to object to the  
12 Settlement as set forth in the Notice of Class Action Settlement.

13           13.     Plaintiffs shall submit, pursuant to Cal. Lab. Code § 2699.3(a), the notice to the  
14 Labor & Workforce Development Agency in substantially the form attached as Exhibit "B" to  
15 the Settlement.

16           14.     Following the expiration of the statutory time periods set forth in Cal. Lab. Code  
17 § 2699.3(a) related to LWDA notices, Plaintiffs shall file the Third Amended Complaint in  
18 substantially the form attached as Exhibit "C" to the Settlement.

19           15.     The Court directs the mailing of the Notice of Class Action Settlement by  
20 first class mail to Class Members in accordance with the implementation schedule set forth  
21 in paragraph 17 below. The Court finds the dates selected for the mailing and distribution  
22 of the Notice of Class Action Settlement, as set forth in the Implementation Schedule, meet  
23 the requirements of due process and provide the best notice practicable under the  
24 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

25           16.     To facilitate administration of the Settlement pending final approval, the Court  
26 hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any claims, suits or  
27 administrative proceedings (including, but not limited to, filing claims with the Division of  
28 Labor Standards Enforcement of the California Department of Industrial Relations) regarding

1 claims released by the Settlement unless and until such Class Members have filed valid  
2 requests for exclusion with the Claims Administrator and the time for filing valid requests for  
3 exclusion with the Claims Administrator has elapsed. This provision shall not apply to claims  
4 not alleged in the Action.

5 17. The Court orders the following Implementation Schedule for further  
6 proceedings:

7 a.	Deadline for Plaintiffs to submit to the 8 LWDA and serve on Defendant a Notice to the LWDA	7 calendar days after the Court grants Preliminary Approval Order
9 b.	Deadline for Plaintiffs to file and serve the Third Amended Complaint	66 calendar days after submission of the LWDA notice referenced at (a) above.
10 c.	Deadline for Defendant to submit Database Report to Claims 11 Administrator	15 calendar days after the Court grants Preliminary Approval Order
12 d.	Deadline for Claims Administrator to mail the Notice of Class Action 13 Settlement to Class Members	14 calendar days receiving the Database Report from Defendant
14 e.	Deadline for Class Members to request for exclusion from Settlement 15 or postmark objections to Settlement to the Claims Administrator	45 calendar days from the initial mailing of the Notice of Class Action Settlement to Class Members
16 f.	Deadline for Class Counsel to file Motion for Final Approval of 17 Settlement	16 court days before Final Approval Hearing in conformity with Code of Civil Procedure § 1005
18 g.	Deadline for Class Counsel to file Motion for Attorneys' Fees, Costs and 19 Named Plaintiffs Enhancement payment	16 court days before Final Approval Hearing in conformity with Code of Civil Procedure § 1005
20 h.	Final Approval Hearing and Final 21 Approval	<u>12-15-2021</u> at <u>3pm</u> in Department 16.

22  
23 IT IS SO ORDERED.

24  
25 DATED: 8/4/2021

26 By:   
HONORABLE PATRICK BRODERICK  
JUDGE OF THE SUPERIOR COURT

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