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**ELECTRONICALLY
FILED**

5/8/2019

K. BIEKER, CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA - MARTINEZ
L. ROYET, DEPUTY CLERK

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7 Attorneys for Plaintiff
8 MARIA TERESA LOPEZ, individually and on
9 behalf of all others similarly situated

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF CONTRA COSTA**

12 MARIA TERESA LOPEZ, individually and on
13 behalf of all others similarly situated,

14 Plaintiff,

15 vs.

16 HERSHA HOSPITALITY MANAGEMENT,
17 L.P.; and DOES 1 through 20, inclusive,

18 Defendants.

Case No. C17-00929

ASSIGNED FOR ALL PURPOSES TO:
HON. EDWARD G. WEIL
DEPARTMENT 39

**ORDER GRANTING PLAINTIFF'S MOTION
FOR AN ORDER: (1) PRELIMINARILY
APPROVING THE CLASS ACTION
SETTLEMENT; (2) APPROVING NOTICE
OF CLASS ACTION SETTLEMENT; AND (3)
SETTING HEARING FOR FINAL
APPROVAL**

Date: March 28, 2019

Time: 8:30 a.m.

Dept: 39

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25 The Motion for Preliminary Approval of Class Action Settlement, Approval of Class Notice, and
26 Conditional Certification of Settlement Class came before this Court. The Court, having considered the
27 papers submitted in support of the motion of the Parties, including the Stipulation for Class Action
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Case No. C17-00929

ORDER GRANTING PLAINTIFF'S MOTION FOR AN ORDER: (1) PRELIMINARILY APPROVING THE
CLASS ACTION SETTLEMENT; (2) APPROVING NOTICE OF CLASS ACTION SETTLEMENT; AND
(3) SETTING HEARING FOR FINAL APPROVAL

1 Settlement and Released entered into by and between the Parties (“Settlement Agreement”), HEREBY
2 ORDERS AS FOLLOWS:

3 The Court grants Preliminary Approval of the Settlement and conditionally certifies the Class,
4 defined as “all current and former non-exempt housekeeping employees employed by HERSHA
5 HOSPITALITY MANAGEMENT, L.P. at the Hyatt House Pleasant Hill located at 2611 Contra Costa
6 Blvd., Pleasant Hill, CA 94523 between May 15, 2013 and the date of preliminary approval of this
7 Settlement.”

8 This Order incorporates by reference the definitions in the Settlement Agreement. The
9 Settlement appears to be fair, adequate, and reasonable to the Class.

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

13 A final fairness hearing on the question of whether the proposed Class Action Settlement, Class
14 Counsel’s Fees and Expenses, the Class Representative’s Enhancement Award, and the Administrator’s
15 Fees and Costs should be finally approved as fair, reasonable and adequate as to the members of the
16 Settlement Class is scheduled for July 25, 2019 at 9:00 a.m. in this Department (hereinafter referred to as
17 the “Final Approval Hearing”).

18 The Court approves, as to form and content, the Notice of Class Action and Proposed Settlement,
19 the Request for Exclusion Form, and the Objection Form (collectively the “Notice Packet”) in
20 substantially the form attached as Exhibits 2, 3, and 4 to the Declaration of Michael H. Kim. The Court
21 approves the procedures for Class Members to object to the Settlements and/or request exclusion from
22 the Settlement Class as set forth in the Notice of Class Action and Proposed Settlement.

23 The Court directs the mailing of the Notice Packets by First-Class Mail to the Class Members in
24 accordance with the schedule set forth below. The Court finds that the dates selected for the mailing and
25 distribution of the Notice Packets, as set forth in the schedule, meet the requirements of due process and
26 provide the best notice practicable under the circumstances and shall constitute due and sufficient notice
27 to all persons entitled thereto.

1 The Court finds that the Class, as defined in the Settlement Agreement, for settlement purposes
2 only, meet the requirements for class certification in that: (a) the Class is sufficiently numerous and
3 ascertainable; (b) the Class meets the commonality requirements as common questions of law and fact
4 predominate; (c) the claims of the Class Representative are typical of the claims of the Class; (d) the
5 Class Representative and Plaintiff’s Counsel has and is able to adequately represent the Class; and (e)
6 class-wide treatment of this dispute is superior to individual litigation. It is ordered that the Class and are
7 preliminarily certified for settlement purposes only.

8 The Court notes that Class Counsel will seek \$50,000.00 in attorney’s fees and approximately
9 \$7,500.00 in costs and request an Enhancement Award in the amount of \$7,500.00 for the Class
10 Representative. The matter of Class Counsel’s attorney’s fees and costs and the incentive award to
11 Plaintiff will be considered as part of the final approval of the Settlement.

12 The Court preliminarily approves Michael H. Kim, Esq. and Jamielee F. Martinez, Esq. of
13 MICHAEL H. KIM, P.C. as Class Counsel.

14 The Court preliminarily approves Maria Teresa Lopez as Class Representative.

15 The Court approves CPT Group, Inc. as Settlement Administrator in this matter.

16 The Court orders the following schedule for further proceedings:

17 1. Within ten (10) calendar days after the date of this Preliminary Approval Order,
18 Defendant shall provide the Settlement Administrator with the Class Information for purposes of mailing
19 Notice Packets to Class Members;

20 2. Not later than twenty (20) calendar days after receiving the Class Information from
21 Defendant as provided herein, the Settlement Administrator shall mail copies of the Notice Packet, in
22 English with a Spanish translation, to all Class Members by regular First Class U.S. Mail;

23 3. The deadline for Settlement Class Members to submit their claim disputes, requests for
24 exclusions (opt-outs) or object to the proposed Class Action Settlement will be sixty (60) calendar days
25 after the Settlement Administrator mails the Notice Packets to Settlement Class Members, or any later
26 date that is agreed to by the Parties in the Stipulation for Class Action Settlement and Release
27 (“Response Deadline”);

1 4. Any Notice Packets returned to the Settlement Administrator as non-delivered on or
2 before the Response Deadline shall be re-mailed to the forwarding address affixed thereto. If no
3 forwarding address is provided, the Settlement Administrator shall make reasonable efforts to obtain an
4 updated mailing address within five (5) business days of the date of the return of the Notice Packet. If an
5 updated mailing address is identified, the Settlement Administrator shall resend the Notice Packet to the
6 Class Member. Class Members to whom Notice Packets are re-sent after having been returned
7 undeliverable to the Settlement Administrator shall have fourteen (14) calendar days thereafter to or until
8 the Response Deadline has expired, whichever is later, to mail, fax or email their Claim Disputes,
9 Requests for Exclusion, or Objection Forms;

10 5. No later than fourteen (14) calendar days after the Response Deadline, the Settlement
11 Administrator shall provide counsel for the Parties with a declaration of compliance with a complete list
12 of all members of the Class who have timely submitted Requests for Exclusion and objected to the
13 Settlement and copies of all objections received, including the postmark dates or other proof of timely
14 submission for each objection;

15 6. The Parties shall file papers in support of Final Approval at least 14 calendar days prior to
16 the Final Approval Hearing date. At the time the parties file their motion for final approval of the
17 settlement, Class Counsel shall provide the Court with a declaration by the Settlement Administrator,
18 specifying the due diligence it undertook with regard to the mailing of the Notice Packet; verifying its
19 settlement administration costs; and reporting on the number of Claim Forms, opt-outs, objections,
20 disputes.

21 7. At the Final Approval Hearing, the Court shall finally determine whether the proposed
22 Settlement Agreement is fair and reasonable, and also rule on the request for Class Counsel's attorneys'
23 fees and costs, the Class Representative's enhancement award, and the Settlement Administrator's costs
24 and fees.

25 8. With respect to the release, the release has been modified so that it does not cover PAGA
26 claims.

1 9. As to the potential cy pres funds, the use of funds by Bay Area Legal Aid would not be
2 restricted beyond its ordinary purposes, but the Court concludes that no further limitation is necessary.

3 10. Notwithstanding any of the above, any Class Members may appear in person or by and
4 through counsel of their choice at the Final Approval Hearing to state and argue their objections to the
5 Class Action Settlement without first submitting their objections in writing;

6 11. The Court reserves the right to adjourn the date of the Final Approval Hearing without
7 further notice to the Class Members, and it will retain jurisdiction to consider all further applications
8 arising out of or connected with the proposed Settlement.

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10 **IT IS SO ORDERED.**

11 **COMPLIES WITH CRC 3.1312**

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13 Dated: May 8, 2019.



Hon. Edward G. Weil,
Judge of the Superior Court