

AUG 30 2018

CLERK OF THE COURT
BY: R. Michael Dill
Deputy Clerk



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

Thomas Pazo, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Incredible Adventures, Inc., a California
Corporation, and DOES 1-10,

Defendant.

CASE NO. CGC-16-555971

CLASS ACTION

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

Plaintiff moves for preliminary approval of a class action settlement reached with Defendant. The Court denied Plaintiff's initial preliminary approval motion on March 23, 2018 in a written order identifying several issues to address. The present motion followed. The Court first heard argument on this motion on June 21, 2018. On that date, this Court issued an order continuing the motion for a supplemental filing. Plaintiff submitted a supplemental filing on July 18, 2018. On July 24, 2018, the Court continued the motion for a second supplemental filing and a further hearing. Plaintiff submitted the second supplemental filing on August 20, 2018. This Court held a further hearing on the motion on August 29, 2018. The Court having considered the papers submitted in support of the application of the parties, orders as follows:

1. The Court grants preliminary approval of the Settlement and the Settlement Class based upon the terms set forth in the Revised Joint Stipulation of Settlement and Release of Class Action ("Settlement Agreement" or "Settlement") filed with the Supplemental

1 Declaration of Craig J. Ackermann on August 20, 2018. All terms used herein shall have the
2 same meaning as defined in the Settlement Agreement.

3 2. The Settlement preliminarily appears to be within the range of possible final
4 approval, such that notice should be provided to the Settlement Class.

5 3. For settlement purposes only, the following Settlement Class is conditionally
6 certified: "Plaintiff and all other individuals employed in California by Defendant in the
7 positions of CEO (chief experience officers) and/or tour guides/drivers who provided
8 transportation and guided tours in California from December 16, 2012 through August 29,
9 2018."

10 4. For settlement purposes only, the proposed Settlement Class meets the
11 requirements for certification under C.C.P. § 382. Specifically, for settlement purposes: (1)
12 the proposed Settlement Class is numerous and ascertainable; (2) there are predominant
13 common questions of law or fact; (3) Plaintiff's claims are typical of the claims of the
14 members of the proposed Settlement Class; and (4) a class action is superior to other methods
15 to efficiently adjudicate this controversy through settlement.

16 5. For settlement purposes only, the Court appoints Plaintiff Thomas Pazo as Class
17 Representative, and Craig J. Ackermann of Ackermann & Tilajef, P.C. and Jonathan Melmed
18 of Melmed Law Group P.C. as Class Counsel. The Court preliminarily finds that Plaintiff and
19 Class Counsel will adequately represent the Settlement Class in accordance with C.C.P. § 382
20 for settlement purposes.

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

22 7. This Court approves, as to form and content, the Notice of Proposed Class
23 Action Settlement and Hearing Date for Court Approval ("Class Notice"), in substantially the
24 form attached as Exhibit 1.

25 8. The Court approves the procedure for the Settlement Class to participate in, to
26 opt out of, or to object to, the Settlement as set forth in the Settlement Agreement.

27 9. The proposed plan for providing notice to the Settlement Class set forth in the
28 Settlement Agreement meets the requirements of due process and constitutes the best notice

practicable under the circumstances.

10. The Court directs the mailing of the Class Notice, and the Share Form by first class mail to the Class Members in accordance with the Implementation Schedule set forth below.

11. The provision of website notice as set forth in the Settlement Agreement is approved. The website must include the Class Notice and the documents filed in connection with preliminary approval, including all the Court's orders.

12. A final fairness hearing on the question of whether the proposed Settlement, attorneys' fees and costs to Class Counsel, and the Class Representative's Service Award should be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in Department 304 of the Superior Court of California, County of San Francisco, located at 400 McAllister Street, San Francisco, California 94102 on the date and time set forth in the implementation schedule in Paragraph 13 below. At the final fairness hearing, the Court will also consider whether the proposed cy pres beneficiary is appropriate

13. The Court orders the following **Implementation Schedule** for further proceedings:

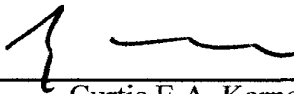
a.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator	September 12, 2018
b.	Deadline for Settlement Administrator to Mail Notice and Claim Form to Class Members and to Post Settlement Website	September 26, 2018
c.	Deadline for Class Members to Postmark Share Forms with Challenges	November 26, 2018
d.	Deadline for Class Members to Postmark Requests for Exclusion	November 26, 2018

e.	Deadline for Receipt by Court, Settlement Administrator, and Counsel of any Objections to Settlement	November 26, 2018
f.	Deadline for Claims Administrator to file Declaration of Due Diligence and Proof of Mailing	December 20, 2018
g.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Service Award	December 27, 2018
i.	Final Fairness Hearing and Final Approval	January 18, 2019 at 9:00 a.m.

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

15. Not later than September 26, 2018, the Settlement Administrator must post at the www.CPTGroup.com/xxxxx website all papers {including orders} filed in connection with the proposed class action settlement including those papers filed in connection with the hearings noted in the recital on the first page of this Order; and plaintiffs' counsel must ensure this is done by checking the site and reporting the results in counsel's Motion for Final Approval.

Dated: August 29, 2018



 Curtis E.A. Karnow
 Judge Of The Superior Court

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CERTIFICATE OF ELECTRONIC SERVICE
(CCP §1010.6 & CRC 2.251)

I, R. Michael Diles, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am over the age of 18 years, employed in the City and County of San Francisco, California and am not a party to the within action.

On August 30, 2018, I electronically served the **Order Granting Preliminary Approval of Class Action Settlement** via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: August 30, 2018

T. Michael Yuen, Clerk

By: _____



R. Michael Diles, Deputy Clerk