

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: Kim vs. LeafFilter North, LLC

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

CASE NUMBER:
30-2019-01061296-CU-OE-CXC

I certify that I am not a party to this cause. I certify that the following document(s), Order - Other dated 03/02/21, Minute Order dated 03/02/21, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on March 2, 2021, at 2:08:58 PM PST. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

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MAR 02 2021

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9 RANDY BIDDLE, and all others similarly situated

(Additional counsel listed on next page)

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF ORANGE**

12 EDWARD KIM and RANDY BIDDLE, on
13 behalf of themselves, all others similarly
14 situated, and the general public, and as
15 “aggrieved employees” on behalf of other
16 “aggrieved employees” under the Labor
Code Private Attorneys General Act of
2004,

17 *Plaintiff(s),*

18 vs.

19 LEAFFILTER NORTH, LLC, an Ohio
20 limited liability company; LEAFFILTER
21 NORTH HOLDINGS, INC., an Ohio
22 limited liability company; LEAF HOME
23 SOLUTIONS, LLC, an Ohio limited
24 liability company; MATTHEW J.
25 KAULIG dba LeafFilter North, Inc.; and
26 DOES 1-50, inclusive,

27 *Defendant(s).*

Case No.: 30-2019-01061296-CU-OE-CJC

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

[Concurrently-filed with Supplemental Brief In
Support of Plaintiff’s Motion For Preliminary
Approval Of Class Action Settlement]

Hearing Information:

Date: March 26, 2021

Time: 1:30 p.m.

Dept: CX101, Hon. Glenda Sanders

Complaint Filed: April 2, 2019

Trial Date: Not Set

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Attorneys for Plaintiff,
EDWARD KIM, the Class, and the Aggrieved Employees

1 **[PROPOSED] AMENDED ORDER GRANTING PLAINTIFFS' MOTION FOR**
2 **PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

3 The unopposed Motion for Preliminary Approval of a Class Action Settlement of Plaintiff
4 EDWARD KIM (“Kim”) and Plaintiff RANDY BIDDLE (“Biddle”) was scheduled for hearing
5 before the Court on March 26, 2021, at 1:30 p.m., before the Honorable Glenda Sanders, Judge
6 presiding. The Court having considered the papers submitted in support of the motion, HEREBY
7 ORDERS THE FOLLOWING:

8 1. The Court grants preliminary approval of the Settlement and the Class based upon the
9 terms set forth in the Second Amended Stipulation of Class Action Settlement and Release (the
10 “Settlement”), which was filed as Exhibit A to the Declaration of George S. Azadian, Esq. on
11 January 26, 2021 (Register of Actions No. 90) and incorporated by this reference. All capitalized
12 terms used herein shall have the same meaning as defined in the Settlement. The Court finds that
13 the terms of the Settlement are fair, adequate, and reasonable to the Class. The Settlement falls
14 within the range of reasonableness and appears to be presumptively valid, subject only to any
15 objections that may be raised at the final hearing and final approval by this Court.

16 2. For purposes of this Order, the Class is defined as follows: All individuals and entities,
17 including employees or subcontractors of the entities performing the same services, who sold or
18 installed Defendants’ products in the State of California at any time during the Class Period. The
19 “Class Period” shall mean January 24, 2018 through March 11, 2020. The Class is preliminarily
20 certified for settlement purposes only.

21 3. The Court hereby preliminarily finds that the Settlement was the product of serious,
22 informed, non-collusive negotiations conducted at arm’s length by the Parties. In making this
23 preliminary finding, the Court considered the nature of the claims set forth in the pleadings, the
24 amounts and kinds of benefits which shall be paid pursuant to the Settlement, the allocation of
25 Settlement proceeds to the Class, and the fact that the Settlement represents a compromise of the
26 Parties’ respective positions. The Court further preliminarily finds that the terms of the Settlement
27 have no obvious deficiencies and do not improperly grant preferential treatment to any individual
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1 Class member. Accordingly, the Court preliminarily finds that the Settlement was entered into in
2 good faith.

3 4. The Court finds that the dates set forth in the Settlement Agreement for mailing and
4 distribution of the Notice and Notice meet the requirements of due process and provide the best
5 notice practicable under the circumstances, and constitute due and sufficient notice to all persons
6 entitled thereto, and directs the mailing of the Notice, Exclusion Form, and Objection Form
7 (collectively, the Notice Packet) by first class mail to the Class as set forth in the Settlement. The
8 Notice is attached hereto as Exhibit 1; the Objection Form is attached hereto as Exhibit 2; and the
9 Exclusion Form is attached hereto as Exhibit 3. Accordingly, the Court orders the following
10 implementation schedule for further proceedings:

11 a. Within ten (10) business days following the date of this Preliminary Approval
12 Order, Defendants shall provide CPT Group, the appointed Settlement Administrator, the Class List
13 consisting of the names, most recent known mailing addresses, telephone numbers, social security
14 numbers, dates of employment and the total number of Qualifying Work Weeks for all Class
15 members during the Class Period;

16 b. Within thirty (30) calendar days following the date of this Preliminary
17 Approval Order, the Settlement Administrator shall mail the Notice Packet along with a pre-printed
18 postage paid return envelope, to all Class members pursuant to the terms of the Settlement, by First
19 Class U.S. Mail, postage prepaid using the most current mailing address information available. The
20 Notice Packet shall be in English and Spanish.

21 c. Within sixty (60) calendar days following the mailing of the Notice Packet, all
22 requests to be excluded from the Settlement must be returned to the Settlement Administrator
23 postmarked by U.S. Mail, as set forth in the Settlement.

24 e. The Court will consider any written or oral objections or comments from Class
25 Members at the time of the Final Approval Hearing, as set forth in the Notice. Written objections to
26 the proposed settlement should state the basis for the objection and be mailed together with copies
27 of all papers and briefs in support thereof to the Settlement Administrator within sixty (60) calendar
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1 days following the mailing of the Notice.

2 5. The Court approves, as to form and content, the Notice (in substantially the form
3 attached as Exhibit 1 to the Settlement). The Court also approves the procedure for members of the
4 Class to object to the Settlement set forth in the Notice.

5 6. The Court approves, for settlement purposes only, George S. Azadian of Azadian Law
6 Group, PC, David Spivak of the Spivak Law Firm, and Walter Haines of United Employees Law
7 Group as Class Counsel.

8 7. The Court approves, for settlement purposes only, Edward Kim and Randy Biddle as
9 the Class Representatives.

10 8. The Court approves CPT Group as the Settlement Administrator.

11 9. A Final Approval Hearing shall be held at 1:30 p.m. on July 30, 2021 in Department
12 CX 101 of the Superior Court for the State of California, County of Orange, Civil Complex Center,
13 located at 751 W Santa Ana Blvd, Santa Ana, CA 92701, to consider the fairness, adequacy and
14 reasonableness of the proposed Settlement preliminarily approved by this Order, and to consider the
15 application of Class Counsel for an award of reasonable attorneys' fees and costs incurred and the
16 Enhancement Awards. All briefs and materials in support of the Motion for an Order of Final
17 Approval and Judgment and Application for Attorneys' Fees and Costs shall be filed with this Court
18 on or before July 8, 2021.

19 10. If for any reason the Court does not execute and file an Order of Final Approval and
20 Judgment, or if the Effective Date, as defined in the Settlement, does not occur for any reason, the
21 proposed Settlement that is the subject of this Order, and all evidence and proceedings had in
22 connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the
23 litigation, as more specifically set forth in the Settlement.

24 11. Pending further Order of this Court, all proceedings in this matter except those
25 contemplated herein and in the Settlement are hereby stayed.

26 12. The Court expressly reserves the right to adjourn or continue the Final Approval
27 Hearing from time to time without further notice to members of the Class.

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IT IS SO ORDERED.

Date: March 7, 2021.




Honorable Glenda Sanders
Judge of the Orange County Superior Court


Respectfully submitted,

DATED: February 16, 2021

THE SPIVAK LAW FIRM


By: _____
David Spivak
Carl Kaplan
Attorneys for Plaintiff,
RANDY BIDDLE, and all others similarly situated

DATED: February 16, 2021

AZADIAN LAW GROUP, PC

By: _____
George Azadian
Ani Azadian
Attorneys for Plaintiff,
EDWARD KIM, and all others similarly situated