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FILED
Superior Court of California
County of Los Angeles
08/31/2023
David W. Slayton, Executive Officer / Clerk of Court
By: L. M'Greené Deputy

5 **LAKESHORE LAW CENTER**
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10 Attorneys for Plaintiff

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 DORIS NETTLES and LAVINA BOYKIN) **Case No. 19STCV00975**
14 individually, and on behalf of all persons) Assigned for All Purposes to
15 similarly situated,) Honorable Carolyn B. Kuhl
16) Dept. 12 Spring Street Courthouse
Plaintiff,)
17) **CLASS ACTION**
vs.)
18) ~~[proposed]~~ **ORDER GRANTING**
OLYMPIC HOTEL LLC, JAMES TUGGLE,) **PRELIMINARY APPROVAL OF CLASS**
19 and DOES 1 THROUGH 100 INCLUSIVE,) **SETTLEMENT**
20)
Defendants.) Date: August 31, 2023
21) Time: 10:30 a.m.
_____) Dept.: 12 Spring Street Courthouse

22 **ORDER**

23 WHEREAS, the parties having made an application, pursuant to Code of Civil Procedure
24 Section 382 and California Rule of Court 3.769, for an order preliminarily approving the
25 settlement of this Litigation pursuant to the executed Settlement Agreement filed July 20, 2023
26 which, together with its attached Exhibits, sets forth the terms and conditions for a proposed
27 settlement of the Litigation; and
28

1 WHEREAS, the Court having read and considered the Motion for Preliminary Approval
2 and the Settlement Agreement and its attached Exhibits; NOW ORDERS:

3 1. This Order incorporates by reference the definitions in the Settlement Agreement, and
4 all terms used in this Order shall have the same meanings as set forth in the Settlement
5 Agreement.

6 2. For purposes of this Litigation, the Court has subject matter and personal jurisdiction
7 over the Settling Parties, including all Settlement Class Members.

8 3. The Court preliminarily approves the Settlement as being within the realm of
9 reasonableness, subject to further consideration at the Settlement Hearing described below.

10 4. Pursuant to Code of Civil Procedure Section 382 and California Rule of Court 3.769, the
11 Court conditionally certifies, solely for purposes of effectuating the Settlement, a class (the
12 “Settlement Class”) as follows:
13

14 All individuals who resided at the Olympic Hotel for at least 15
15 consecutive days at any time between October 1, 2016 and August
16 22, 2022 and were required to move out or check out and re-register
before the expiration of 30 consecutive days of occupancy.

17 5. The claims of Class Representatives Doris Nettles and Lavina Boykin are typical of the
18 Settlement Class and the Class Representatives and Class Counsel Jeffrey Spencer, Esq. of the
19 Spencer Law Firm and Jeffrey Wilens, Esq. and Macey Wilens of the Lakeshore Law Center have
20 fairly and adequately represented and protected the interests of the Settlement Class.
21

22 6. Upon review of the record and the Settlement Agreement, the Court finds that the
23 proposed Settlement Agreement, under which Defendant has agreed to create a non-reversionary
24 Settlement Fund with a value of \$1,000,000 (The Gross Settlement Fund, “GSF”) was arrived at
25 after extensive arm’s length negotiations with the assistance of a mediator falls within the range of
26 possible approval; and is hereby preliminarily approved, subject to further consideration at a final
27 fairness hearing to be scheduled at a later time.
28

7. The Court appoints CPT Group, Inc. as Settlement Administrator, with responsibility

1 for class notice and settlement administration.

2 8. The Court approves, as to form and content, the Notice and Request for Exclusion Form
3 attached as Exhibits 1 and 2 to the Settlement Agreement.

4 9. The Court finds that the mailing of the Settlement Notice substantially in the manner
5 and form set forth in this Order meets the requirements of Code of Civil Procedure Section 382,
6 California Rule of Court 3.769 and due process. The foregoing is the best notice practicable under
7 the circumstances and shall constitute due and sufficient notice to all persons entitled to such
8 Notice.

9 10. No later than September 20, 2023 (20 days from the entry of this Order), the
10 Settlement Administrator shall mail the Settlement Notice to the last known address of each
11 Settlement Class Member as shown on Defendant's business records. Prior to mailing, the
12 Settlement Administrator will conduct a national change-of-address search and/or skip trace and
13 will update its mailing list accordingly and mail the Settlement Notice to all addresses located for
14 each Settlement Class Member.

15 12. A Final Approval Hearing shall be held on ~~December, 14~~ December 14 at ~~10:00~~ 9:00 a.m. in
16 Department 12 of the Los Angeles Superior Court, Spring Street Courthouse located at 312 N.
17 Spring Street, Los Angeles, CA 90012 to determine whether the proposed Settlement should be
18 finally approved as fair, reasonable and adequate and whether attorneys' fees and cost and
19 incentive awards should be awarded, respectively, to Class Counsel and the Representative
20 Plaintiffs, and, if so, in what amount. The Court may adjourn the Settlement Hearing without
21 further notice to Settlement Class Members.

22 13. If Settlement Class Members do not wish to participate in the Settlement Class they
23 may exclude themselves. All requests by Settlement Class Members to be excluded must be in
24 writing and be received by the Claims Administrator no later than November 4, 2023 (45 days
25 from the Claims Administrator's deadline for mailing the Notice).

1 14. Any Settlement Class Member may appear and be heard at the Settlement Hearing
2 and/or may submit a written objection as to any reason why the proposed Settlement should or
3 should not be approved as fair, reasonable and adequate or why a judgment should or should not
4 be entered approving such Settlement. To be considered valid, a written objection must include the
5 objector's name and address and dates of stay and must include the basis for the objection
6 (including why the objector believes the settlement is not in the best interest of the Class), along
7 with any and all documents that support the objection. However, no Settlement Class Member
8 shall be entitled to submit a written objection to the approval of the terms and conditions of the
9 proposed Settlement, unless that Settlement Class Member has served written objections and proof
10 of membership in the class not later than November 4, 2023 (45 Days from the Claims
11 Administrator's deadline for mailing the Notice). Such written objections and proof of class
12 membership must be served by mail on the Settlement Administrator by that deadline who will
13 forward the objection to the counsel for the parties.
14

15 15. Any Settlement Class Member who does not make his or her objections in the manner
16 required shall be deemed to have waived such objections and shall forever be foreclosed from
17 making any objections to the fairness, reasonableness, or adequacy of the proposed settlement and
18 the judgment approving the Settlement.
19

20 16. All requests by Settlement Class Members to intervene in the Litigation must be filed
21 with the Court and served on counsel for the parties by the deadline for written objections.
22

23 17. The Court may approve the Settlement with such modifications as may be agreed to by
24 the parties, if appropriate, without further notice to the Settlement Class Members.

25 **IT IS SO ORDERED**

26 Dated: 08/31/2023



27 *Carolyn B. Kuhl*

28 Carolyn B. Kuhl / Judge

The Honorable Carolyn B. Kuhl
Judge of the Superior Court

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PROOF OF SERVICE

State of California)
County of Orange)

I am employed in the County of Orange, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 2 Venture, Suite 220, Irvine, CA 92618.

On July 20, 2023, I served the Proposed Order Granting Preliminary Approval on the interested parties in this action via Electronic Mail via Case Anywhere to the addresses listed below:

<u>Co-Counsel for Plaintiffs</u> LAKESHORE LAW CENTER Jeffrey Wilens, Esq. 18340 Yorba Linda Blvd., Suite 107-610 Yorba Linda, CA 92886 Telephone No: (714) 854-7205 Facsimile No: (714) 854-7206 Email: jeff@lakeshorelaw.org	<u>Attorneys for Defendant James Tuggle</u> Larry Helfman, Esq FRIEDENTHAL, HEFFERNAN & BROWN, LLP 215 N. Marengo Ave., Suite 165 Pasadena, CA 91101 Tel. (626) 628-2800 Fax (626) 628-2828 Email: lhelfman@FHBLawyers.com

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- BY ELECTRONIC MAIL via Case Anywhere: To the email addresses listed above
- BY U.S. MAIL:

Executed on July 20, 2023 at Irvine, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

By: /S/ Jeffrey Spencer
Jeffrey Spencer