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Attorneys for Plaintiff MICHAEL STEVENSON,
on behalf of himself and others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES—SPRING STREET COURTHOUSE**

MICHAEL STEVENSON on behalf of
himself and others similarly situated,

Plaintiff,

vs.

PAYLESS WATER HEATERS &
PLUMBING, INC.; and DOES 1 to 100,
inclusive,

Defendants.

Case No.: 21STCV42057

CLASS ACTION

*[Assigned for all purposes to the Hon. Carolyn
B. Kuhl, Dept. 12]*

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement; Declaration of Melissa A. Huether in
Support Thereof]*

Hearing Information:

Date: January 25, 2023

Time: 10:30 a.m.

Dept.: SSC12

The Motion for Preliminary Approval of a Settlement came before this Court on January 25, 2023 at 10:30 a.m. in Department SSC12 of Los Angeles County Superior Court located at 312 N. Spring St., Los Angeles, California 90012. The Court, having considered the proposed Class

1 Action and PAGA Settlement Agreement and Class Notice entered into by and between Plaintiff
2 Michael Stevenson (“Plaintiff”) and Defendant Payless Water Heaters & Plumbing, Inc.
3 (“Defendant” or “Payless”) attached as **Exhibit 1** to the Declaration of Melissa A. Huether in
4 Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, and the Exhibits
5 attached thereto (hereafter collectively, the “Settlement” or “Settlement Agreement”); having
6 considered the Motion for Preliminary Approval of Class Action Settlement filed by the parties;
7 having considered the respective points and authorities and declarations submitted by the parties in
8 support thereof; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

9 The Court grants preliminary approval of the settlement as set forth in the Settlement and
10 finds the terms to be within the range of reasonableness of a settlement that ultimately could be
11 granted approval by the Court at the Final Fairness Hearing. For purposes of the Settlement, the
12 Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-
13 defined community of interest among the Class in questions of law and fact. Therefore, for
14 settlement purposes only, the Court grants conditional certification of the following “Class” defined
15 as follows:

16 all current and former non-exempt, hourly employees of Defendant Payless
17 Water Heaters & Plumbing, Inc. who worked as a service technician at any
18 time during the Class Period, and who have not previously released all
19 known and unknown claims against Defendant Payless Water Heaters &
20 Plumbing, Inc.

21 1. The “Class Period” is the period from November 15, 2017 through July 31, 2022.

22 2. For purposes of the settlement, the Court further designates named Plaintiff Danny
23 Carmona as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., Melissa A.
24 Huether, Esq., and Danielle E. Montero of Lavi & Ebrahimian, LLP, as Class Counsel.

25 3. The Court appoints CPT Group as the Settlement Administrator.

26 4. A final fairness hearing on the question of whether the proposed settlement should
27 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
28 Department SSC12 of this Court, located at 312 N. Spring St., Los Angeles, California 90012, on

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1 12. The Court finds that the forms of Class Notice to the Class regarding the pendency
2 of the action and of this settlement, and the methods of giving notice to members of the
3 Settlement Class constitute the best notice practicable under the circumstances and constitute
4 valid, due, and sufficient notice to all members of the Class. They comply fully with the
5 requirements of California Code of Civil Procedure section 382, California Civil Code section
6 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
7 and other applicable law.

8 13. The Court further approves the procedures for Class Members to participate in, opt
9 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

10 14. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
11 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not
12 later than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for
13 Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter from a Class
14 Member or his/her representative that reasonably communicates the Class Member's election to
15 be excluded from the Settlement and includes the Class Member's name, address and email
16 address or telephone number. To be valid, a Request for Exclusion must be timely faxed, emailed,
17 or postmarked by the Response Deadline.

18 15. Participating Class Members may send written objections to the Administrator, by
19 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire
20 an attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A
21 Participating Class Member who elects to send a written objection to the Administrator must do
22 so not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional
23 14 days for Class Members whose Class Notice was re-mailed).

24 16. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
25 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
26 Order, are stayed.

1 17. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
2 connection with the administration of the settlement which are not materially inconsistent with
3 either this Order or the terms of the Settlement.

4 18. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendant to provide the Settlement Administrator the Class Database	20 calendar days after the Court's entry of this Order
Notice Date: last day for Administrator to mail Class Notice to Class Members.	14 calendar days after receipt of the Class Data
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections	60 calendar days after the date of mailing of the Class Notice
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 calendar days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 calendar days prior to the final fairness hearing
Last day for the Parties to respond to Objections	10 calendar days prior to the final fairness hearing
Hearing on final approval of class action settlement.	RECEIVED FEB 1 2023 CLERK OF COURT

17 19. The Fairness Hearing and related prior deadlines set forth above may, from time to
18 time and without further notice to the Class (except those who have filed timely and valid
19 objections), be continued or adjourned by Order of the Court.

21 **IT IS SO ORDERED.**

22 Dated: 01/25/2023
23 _____



Carolyn B. Kuhl

Carolyn B. Kuhl / Judge

Hon. Carolyn B. Kuhl
Judge of the Superior Court