1 Michael H. Kim, Esq. (State Bar No. 200792) FILED MICHAEL H. KIM, P.C. 2 1633 Bayshore Highway, Suite 333 Burlingame, California 94010 3 MAY 0 4 2023 Telephone: (650) 697-8899 Facsimile: (650) 697-8896 4 CLERK OF THE SUPERIOR COURT 5 Attorneys for Plaintiff Deputy LILIA RODRIGUEZ, individually and on behalf of 6 others similarly situated 7 8 SUPERIOR COURT OF THE STATE OF CALIFORNIA 9 FOR THE COUNTY OF ALAMEDA 10 LILIA RODRIGUEZ, individually and on Case No. RG17846171 11 behalf of others similarly situated, [PROPOSED] ORDER GRANTING 12 MOTION FOR PRELIMINARY Plaintiff, APPROVAL OF CLASS ACTION 13 SETTLEMENT VS. 14 PERSONNEL STAFFING GROUP, LLC; 15 STAFFING SOLUTIONS, INC. d/b/a Reservation ID: 333400984849 BALANCE STAFFING; and DOES 1 16 through 100, inclusive, Date: May 4, 2023 17 Time: 3:30 p.m. Defendants. 18 Dept.: 17 Judge: The Hon. Frank Roesch 19 20 21 The Motion for Preliminary Approval of Class Action Settlement, Approval of Class Notice, and 22 Conditional Certification of Settlement Class came before this Court. The Court, having considered the 23 papers submitted in support of the motion of the Parties, including the Stipulation for Class Action 24 Settlement and Released entered into by and between the Parties ("Settlement Agreement"), HEREBY 25 ORDERS AS FOLLOWS: 26 The motion is hereby GRANTED. 27

Case No. RG17846171

[PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

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The court finds that the Settlement falls within a range of reasonableness and is presumptively valid; appears to be a product of serious, informed and non-collusive negotiations; and has no obvious deficiencies. The court grants preliminary approval of the Settlement; conditionally certifies the class; approves the Class Notice as to form and content; and adopts the Proposed Order for Preliminary Approval of Class Action Settlement submitted by Class Counsel as follows:

The Court grants Preliminary Approval of the Settlement and conditionally certifies the Class, defined as "all temporary staffing employees hired or employed by Defendants to work at AEG-managed facilities, the Oakland Coliseum and the Oracle Arena, in California from January 17, 2014 through the date of preliminary approval."

This Order incorporates by reference the definitions in the Stipulation for Class Action Settlement and Release. The Settlement appears to be fair, adequate, and reasonable to the Class.

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

A final fairness hearing on the question of whether the proposed Class Action Settlement, Class Counsel's Fees and Expenses, the Class Representative's Enhancement Award, and the Administrator's Fees and Costs should be finally approved as fair, reasonable and adequate as to the members of the Settlement Class is scheduled for Sept 21, 2027 at 3:30 pm in this Department 17 (hereinafter referred to as the "Final Approval Hearing").

The Court approves, as to form and content, the Class Notice and Request for Exclusion Form (collectively "Notice Packet"), in substantially the form presented to this Court. The Court approves the procedures for Class Members to object to the Settlements and/or request exclusion from the Settlement Class as set forth in the Class Notice.

The Court directs the mailing of the Class Notice by First-Class Mail to the Class Members in accordance with the schedule set forth in the Settlement Agreement. The Court finds that the dates selected for the mailing and distribution of the Class Notice, as set forth in the schedule, meet the

requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

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

The Court notes that Class Counsel will seek \$62,500.00 in attorney's fees and not more than \$60,000.00 in costs and request an enhancement award in the amount of \$5,000.00 for Plaintiff.

The Court preliminarily approves Michael H. Kim, Esq. of Michael H. Kim, P.C. as Class Counsel.

The Court preliminarily approves Plaintiff Lilia Rodriguez as Class Representative.

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

The Court orders the following schedule for further proceedings:

- 1. Within twenty-one (21) calendar days after the date of this Preliminary Approval Order, Defendants shall provide the Settlement Administrator with the Class List for purposes of mailing the Class Notice to Class Members;
- Within fourteen (14) calendar days of receipt of the Class List, the Settlement
 Administrator shall mail copies of the Class Notice, in English with a Spanish translation, to all Class
 Members by regular First Class U.S. Mail;
- 3. The deadline for Settlement Class Members to submit their requests for exclusions (optouts) or object to the proposed Class Action Settlement will be sixty (60) days after the Settlement Administrator mails the Notice Packets to Settlement Class Members, or any later date that is agreed to by the Parties in the Stipulation for Class Action Settlement and Release ("Response Deadline");

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- 4. The deadline for Settlement Class Members to submit their objections to the number of Compensable Workweeks with which they are credited will be thirty (30) days after the Settlement Administrator mails the Notice Packets to Settlement Class Members, or any later date that is agreed to by the Parties in the Stipulation for Class Action Settlement and Release;
- 5. Any Notices of Class Action Settlement returned to the Settlement Administrator as nondeliverable on or before the Response Deadline will be sent promptly via regular First-Class U.S. Mail to the forwarding address affixed thereto, and the Settlement Administrator will indicate the date of such remailing on the Notice of Class Action Settlement. If no forwarding address is provided, the Settlement Administrator will promptly attempt to determine the correct address using a skip tracing search or any other commercial locate-and-search tool and will then perform a single re-mailing. With regard to any Class Member whose Notice of Class Action Settlement is returned as non-deliverable, and for whom the Settlement Administrator is unable to determine a reliable address using reasonable and customary methods, their Individual Settlement Payment will be treated as unclaimed funds and will be sent to the Alliance for Children's Rights as a cy pres award pursuant to California Code of Civil Procedure Section 384.;
- 6. Any unclaimed funds represented by the value of any uncashed settlement checks after the 180-day check negotiating period has expired will be promptly sent to the Alliance for Children's Rights as a cy pres award pursuant to California Code of Civil Procedure Section 384;
- 7. No later than fourteen (14) calendar days after the Response Deadline, the Settlement Administrator shall provide counsel for the Parties with a declaration of compliance with a complete list of all members of the Class who have timely submitted Requests for Exclusion and objected to the Settlement and copies of all objections received, including the postmark dates or other proof of timely submission for each objection;
- 8. At the time the parties file their motion for final approval of the settlement, Class Counsel shall provide the Court with a declaration from the Settlement Administrator, specifying the due diligence it undertook with regard to the mailing of the Notice Packet; verifying its settlement administration costs; and reporting on the number of opt-outs, objections, and disputes.

- 9. At the Final Approval Hearing, the Court shall finally determine whether the proposed Settlement Agreement is fair and reasonable and shall rule on the request for Class Counsel's attorney's fees and costs, the Class Representative's enhancement award, and the Settlement Administrator's costs.
- 10. Notwithstanding any of the above, any Class Members may appear in person or by and through counsel of their choice at the Final Approval Hearing to state and argue their objections to the Class Action Settlement without first submitting their objections in writing;
- 11. The Court reserves the right to adjourn the date of the Final Approval Hearing without further notice to the Class Members, and it will retain jurisdiction to consider all further applications arising out of or connected with the proposed Settlement.

IT IS SO ORDERED.

Dated: May 4, 2023

Judge of the Superior Court