

1 Michael H. Kim, Esq. (State Bar No. 200792)
2 **MICHAEL H. KIM, P.C.**
3 1633 Bayshore Highway, Suite 333
4 Burlingame, California 94010
5 Telephone: (650) 697-8899
6 Facsimile: (650) 697-8896

7 Attorneys for Plaintiff
8 LILIA RODRIGUEZ, individually and on behalf of
9 others similarly situated

FILED
ALAMEDA COUNTY

MAY 04 2023

CLERK OF THE SUPERIOR COURT

By  Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF ALAMEDA**

10 LILIA RODRIGUEZ, individually and on
11 behalf of others similarly situated,

12 Plaintiff,

13 vs.

14 PERSONNEL STAFFING GROUP, LLC;
15 STAFFING SOLUTIONS, INC. d/b/a
16 BALANCE STAFFING; and DOES 1
17 through 100, inclusive,

18 Defendants.

Case No. RG17846171

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

Reservation ID: 333400984849

Date: May 4, 2023

Time: 3:30 p.m.

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
28

Case No. RG17846171

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

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

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

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

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

15 A final fairness hearing on the question of whether the proposed Class Action Settlement, Class
16 Counsel’s Fees and Expenses, the Class Representative’s Enhancement Award, and the Administrator’s
17 Fees and Costs should be finally approved as fair, reasonable and adequate as to the members of the
18 Settlement Class is scheduled for Sept 21, 2022 at 3:30 pm in ~~this~~ Department 17
19 (hereinafter referred to as the “Final Approval Hearing”).

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

24 The Court directs the mailing of the Class Notice by First-Class Mail to the Class Members in
25 accordance with the schedule set forth in the Settlement Agreement. The Court finds that the dates
26 selected for the mailing and distribution of the Class Notice, as set forth in the schedule, meet the
27

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

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

10 The Court notes that Class Counsel will seek \$62,500.00 in attorney's fees and not more than
11 \$60,000.00 in costs and request an enhancement award in the amount of \$5,000.00 for Plaintiff.

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

14 The Court preliminarily approves Plaintiff Lilia Rodriguez as Class Representative.

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

16 The Court orders the following schedule for further proceedings:

17 1. Within twenty-one (21) calendar days after the date of this Preliminary Approval Order,
18 Defendants shall provide the Settlement Administrator with the Class List for purposes of mailing the
19 Class Notice to Class Members;

20 2. Within fourteen (14) calendar days of receipt of the Class List, the Settlement
21 Administrator shall mail copies of the Class Notice, in English with a Spanish translation, to all Class
22 Members by regular First Class U.S. Mail;

23 3. The deadline for Settlement Class Members to submit their requests for exclusions (opt-
24 outs) or object to the proposed Class Action Settlement will be sixty (60) days after the Settlement
25 Administrator mails the Notice Packets to Settlement Class Members, or any later date that is agreed to
26 by the Parties in the Stipulation for Class Action Settlement and Release ("Response Deadline");
27

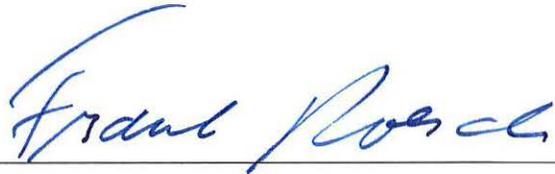
1 9. At the Final Approval Hearing, the Court shall finally determine whether the proposed
2 Settlement Agreement is fair and reasonable and shall rule on the request for Class Counsel's attorney's
3 fees and costs, the Class Representative's enhancement award, and the Settlement Administrator's costs.

4 10. Notwithstanding any of the above, any Class Members may appear in person or by and
5 through counsel of their choice at the Final Approval Hearing to state and argue their objections to the
6 Class Action Settlement without first submitting their objections in writing;

7 11. The Court reserves the right to adjourn the date of the Final Approval Hearing without
8 further notice to the Class Members, and it will retain jurisdiction to consider all further applications
9 arising out of or connected with the proposed Settlement.

10
11 **IT IS SO ORDERED.**

12
13 Dated: May 4, 2023



14 Judge of the Superior Court
15
16
17
18
19
20
21
22
23
24
25
26
27
28