

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JAN 14 2021

Sherri R. Carter, Executive Officer/Clerk of Court
By: Berta Guerrero, Deputy

RECEIVED

JAN 06 2021

Room 106

1 Joseph Lavi, Esq. (State Bar No. 209776)
jlavi@lelawfirm.com
2 Vincent C. Granberry, Esq. (State Bar No. 276483)
vgranberry@lelawfirm.com
3 Tielle Shu, Esq. (State Bar No. 30385)
tshu@lelawfirm.com
4 **LAVI & EBRAHIMIAN, LLP**
8889 W. Olympic Blvd., Suite 200
5 Beverly Hills, California 90211
Telephone: (310) 432-0000
6 Facsimile: (310) 432-0001

7 Attorneys for PLAINTIFF MARVIN ALVAREZ
on behalf of himself and others similarly situated.

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES -SPRING STREET COURTHOUSE**

11 MARVIN ALVAREZ on behalf of himself and
12 others similarly situated,

Case No.: BC716019

13 PLAINTIFF,

CLASS ACTION

14 vs.

*[Assigned for All Purposes to the Hon. Kenneth
Freeman; Dept. SSC14]*

15
16 SPACE-LOK, INC., a California corporation;
and DOES 1 to 100, Inclusive,

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

17
18 DEFENDANTS.

*[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement; Declaration of Vincent C. Granberry
in Support Thereof]*

Hearing Information:
Date: January 5, 2021
Time: 10:00 a.m.
Dept.: 14

19
20
21
22
23 The Motion for Preliminary Approval of a Settlement came before this Court on January 5,
24 2021 at 10:00 a.m. in Department 14 of Los Angeles County Superior Court located at 312 North
25 Spring Street, Los Angeles, California 90012. The Court, having considered the proposed Joint
26 Stipulation Agreement and Release, attached as Exhibit 1 to the Declaration of Vincent C.
27 Granberry in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement,
28 and the Exhibits attached thereto (hereafter collectively, the "Stipulation"); having considered the

[PROPOSED] ORDER

1 Motion for Preliminary Approval of Class Action Settlement filed by the parties; having considered
2 the respective points and authorities and declarations submitted by the parties in support thereof;
3 and good cause appearing, HEREBY ORDERS THE FOLLOWING:

4 The Court grants preliminary approval of the settlement as set forth in the Stipulation and
5 finds the terms to be within the range of reasonableness of a settlement that ultimately could be
6 granted approval by the Court at the final Fairness Hearing. For purposes of the settlement, the
7 Court finds that the proposed settlement class is ascertainable and that there is a sufficiently well-
8 defined community of interest among the Class in questions of law and fact. Therefore, for
9 settlement purposes only, the Court grants conditional certification of the following "Settlement
10 Class" defined as follows:

11 Any current or former hourly non-exempt employee employed by Space
12 Lok, Inc. in California from August 2, 2014, up to and including August
13 16, 2019. If such person is incompetent or deceased, "Settlement Class"
14 or "Class" or "Class Member" or "Class Members" means the person's
15 legal guardian, executor, heir, or successor in interest.

16 1. For purposes of the settlement, the Court further designates named Plaintiff
17 MARVIN ALVAREZ as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq.,
18 and Tielle Shu, Esq. of Lavi & Ebrahimian, LLP as Class Counsel.

19 2. The Court confirms CPT Group, Inc. as the Claims Administrator.

20 3. A final fairness hearing on the question of whether the proposed settlement should
21 be finally approved as fair, reasonable and adequate as to the members of the Settlement Class is
22 scheduled in Department 14 of this Court, located at 312 North Spring Street, Los Angeles,
23 California 90012, on May 11, 2021, at 11:00 a.m.

24 4. At the final fairness hearing, the Court will consider: (a) whether the settlement
25 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
26 approval of the settlement should be entered; and (c) whether Plaintiff's application for an award of
27 attorneys' fees, reimbursement of litigation expenses, and class representative enhancement should
28 be granted.

1 5. Counsel for the parties shall file memoranda, declarations, or other statements and
2 materials in support of their request for final approval by no later than 10 court days prior the final
3 fairness hearing.

4 6. Class Counsel shall file a motion for an award of attorneys' fees, reimbursement of
5 litigation expenses and class representative enhancement by no later than 10 court days prior to
6 the final fairness hearing.

7 7. The Court approves, as to form and content, the Class Notice which is attached the
8 Declaration of Vincent C. Granberry in Support of Preliminary Approval as Exhibit A and the
9 Allocation Form which is attached the Declaration of Vincent C. Granberry in Support of
10 Preliminary Approval as Exhibit B.

11 8. Defendant will provide as soon as practicable, but no later than fifteen (15) business
12 days after the Court grants preliminary approval of the Settlement, to the Settlement Administrator
13 a list containing the Class Members' names, last known addresses, whether the Class Member is a
14 current or former employee as of the preliminary approval date, total Qualifying Workweeks during
15 the Class Period, and social security number, which will be used to send the Notice of Settlement
16 and Allocation Form to Class Members.

17 9. The Court directs the Claims Administrator to mail the Class Notice by first class
18 mail to the members of the Settlement Class on or before 30 business days after the Preliminary
19 Approval Order. The Court approves those procedures for the Claims Administrator handling of
20 the Class Notice as outlined in Section 6.3 of the Stipulation.

21 10. The proposed members of the Class shall have up to and including 45 calendar
22 days after Class Notice Mailing ("Close of Claims Period") to object or request exclusion from the
23 settlement.

24 11. The Court finds that the forms of Class Notice to the Settlement Class regarding
25 the pendency of the action and of this settlement, and the methods of giving notice to members of
26 the Settlement Class constitute the best notice practicable under the circumstances and constitute
27 valid, due, and sufficient notice to all members of the Settlement Class. They comply fully with
28 the requirements of California Code of Civil Procedure section 382, California Civil Code section

1 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
2 and other applicable law.

3 12. The Court further approves the procedures for Class Members to participate in, opt
4 out of, or object to the Settlement, as set forth in the Stipulation and Class Notice.

5 13. Class Members who wish to object to the Settlement must submit to the Claims
6 Administrator a written statement objecting to the Settlement. The Objection to Class Settlement
7 must be signed by the Class Member and state: (1) the full name of the Class Member; (2) the
8 dates of employment of the Class Member; (3) the last four digits of the Class Member's Social
9 Security number and/or the Employee ID number; (4) the basis for the objection; and (5) if the
10 Class Member intends to appear at the Final Approval Hearing. Class Members who fail to make
11 objections in the manner specified above shall be deemed to have waived any objections and
12 shall be foreclosed from making any objections (whether by appeal or otherwise) to the
13 Settlement. At no time shall any of the Parties or their counsel seek to solicit or otherwise
14 encourage Class Members to file or serve written objections to the Settlement or appeal from the
15 Order and Final Judgment. Class Counsel shall not represent any Class Members with respect to
16 any such objections.

17 14. Class Members who wish to exclude themselves from the Settlement Class must do
18 so in writing. Although not specifically required; generally, the written Request for Exclusion
19 should: (1) explicitly and unambiguously state the following statement or similar statement: "I
20 wish to exclude myself from the settlement reached in the matter of *Alvarez vs. Space Lok, Inc.* I
21 understand that by excluding myself, I will not receive any money from the settlement reached in
22 this matter"; (2) contain the name, address, and the last four digits of the Social Security number
23 of the person requesting exclusion; and (3) be signed by the Class Member. The Request for
24 Exclusion must be postmarked by the Response Deadline and returned to the Settlement
25 Administrator at the specified address. The Request for Exclusion will not be valid if it is not
26 timely submitted. The date of the postmark on the return mailing envelope on the Request for
27 Exclusion shall be the exclusive means used to determine whether the Request for Exclusion was
28 timely submitted. Any Class Member who requests to be excluded from the Settlement Class

1 will not be entitled to any Settlement Payment and will not be bound by the terms of the
2 Settlement or have any right to object, appeal, or comment thereon. Class Members who fail to
3 submit a timely written Request for Exclusion on or before the Response Deadline shall be bound
4 by all terms of the Settlement and any final judgment entered in this Action if the Settlement is
5 approved by the Court. Class Members who opt out of this Settlement by filing a timely,
6 Request for Exclusion will still receive a portion of the LWDA Payment for the PAGA
7 Settlement and be bound by the release for Civil Penalties pursuant to California Labor Code
8 sections 2698, et seq. for claims or causes of action that were asserted based on the facts
9 alleged in the First Amended Complaint.

10 15. The procedures and requirements for filing objections in connection with the
11 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
12 presentation of any Class Member's objection to the Settlement Agreement, in accordance with
13 the due process rights of all Class Members.

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

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

20 18. To facilitate administration of the Settlement pending final approval, the Court
21 hereby enjoins all Class Members from filing or prosecuting any claims, suits or administrative
22 proceedings regarding claims released by the Settlement unless and until such Class Members have
23 filed valid Requests for Exclusion with the Claims Administrator and the time for filing claims with
24 the Claims Administrator has elapsed.

25 19. The Court orders the following Implementation Schedule for further proceedings:

26 ///

27 ///

28 ///

Event	Timing
1 Defendant's last day to provide the claims 2 administrator a list containing the Class 3 Members' names, last known addresses, 4 whether the Class Member is a current or 5 former employee as of the preliminary approval date, total Qualifying Workweeks during the Class Period, and social security number	January 27, 2021 <i>(or 15 business days after the Court's order granting preliminary approval, whichever is later)</i>
6 Notice Date: last day for claims administrator 7 to mail class notice to class members.	February 19, 2021 <i>(or 30 business days after the Court's order granting preliminary approval, whichever is later)</i>
9 Close of Claims Period: (i) last day for class 10 members to submit opt-outs; and (ii) last day for class members to submit objections.	April 5, 2021 <i>(or 45 calendar days after the Court's order granting preliminary approval, whichever is later)</i>
12 Last day for class counsel to file motion for 13 award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	April 12, 2021
14 Last day for parties to file motion and 15 supporting documents for final approval of class action settlement.	April 12, 2021
16 Last day for Plaintiff to respond to Objections	April 12, 2021
17 Hearing on final approval of class action settlement.	May 11, 2021 at 10:00 a.m.
18	
20. The Fairness Hearing and related prior deadlines set forth above may, from time to 19 time and without further notice to the Settlement Class (except those who have filed timely and 20 valid objections), be continued or adjourned by Order of the Court.	
21 IT IS SO ORDERED.	
22	
23 Dated: <u>1-14-2021</u>	KENNETH R. FREEMAN
24 Hon. Kenneth Freeman, Judge of the Superior Court	
25	
26	
27	
28	

2 **PROOF OF SERVICE**

3 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

4 I am an employee in the County of Los Angeles, State of California. I am over the age of
5 18 and not a party to the within action; my business address is 8889 W. Olympic Blvd., Suite 200,
Beverly Hills, California 90211.

6 On January 5, 2021, I served the foregoing documents, described as

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

9 on all interested parties in this action as follows:

10 *Counsel for Defendant SPACE-LOK, INC.*

11 John R. Carrigan, Jr., Esq.
12 **Cozen O'Connor**
1299 Ocean Ave. #900
13 Santa Monica, CA 90401
14 Email: jcarrigan@cozen.com

15 **(BY MAIL)** As follows:

16 I placed such envelope, with postage thereon prepaid, in the United States mail at Los Angeles, California.

17 I am "readily familiar" with the firm's practice of collecting and processing correspondence
18 for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that
19 same day, with postage thereon fully prepaid, at Los Angeles, California, in the ordinary
20 course of business. I am aware that, on motion of the party served, service is presumed
invalid if the postal cancellation or postage meter date is more than one day after the date of
deposit for mailing in this affidavit.

21 **(BY ELECTRONIC SERVICE)** Pursuant to California Rules of Court Rule 2.251, Code
of Civil Procedure section 1010.6, and the Court Order Authorizing Electronic Service, I
sent such document via use of CASEANYWHERE.

22 **(BY PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the
23 attorney at the offices of the addressee.

24 **(STATE)** I declare, under penalty of perjury under the laws of the State of California, that
25 the above is true and correct. Executed on January 5, 2021, at Beverly Hills, California.

26 
27 Vincent C. Granberry
28