

Ramin R. Younessi, Esq. (SBN 175020)  
ryounessi@younessilaw.com  
Samantha L. Ortiz, Esq. (SBN 312503)  
sortiz@younessilaw.com  
**LAW OFFICES OF RAMIN R. YOUNESSI  
A PROFESSIONAL LAW CORPORATION**  
3435 Wilshire Boulevard, Suite 2200  
Los Angeles, California 90010  
Telephone: (213) 480-6200  
Facsimile: (213) 480-6201

Attorneys for Plaintiff  
PATRICK MAGRDCHIAN

**FILED**  
Superior Court of California  
County of Los Angeles

NOV 02 2020

Sherri R. Carter, Executive Officer/Clerk of Court  
By [Signature], Deputy  
Lori M'Greene

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES, CIVIL COMPLEX CENTER**

PATRICK MAGRDCHIAN, individually and  
on behalf of himself and others similarly  
situated,

Plaintiff,

v.

TPPJ S. PASADENA, LLC., a California  
limited liability company; and DOES 1  
through 20, inclusive,

Defendants.

Case No.: BC709657

**CLASS ACTION**

*Assigned to the Honorable Judge Carolyn B. Kuhl,  
Dept. SSC12*

**[PROPOSED] ORDER GRANTING MOTION  
FOR AN ORDER (1) PRELIMINARILY  
APPROVING CLASS ACTION  
SETTLEMENT, (2) APPROVING NOTICE OF  
CLASS ACTION SETTLEMENT, AND (3)  
SETTING HEARING FOR FINAL  
APPROVAL**

Date: May 20, 2021  
Time: 10:30 a.m.  
Dept.: 12

Action filed: June 13, 2018  
First Amended Complaint filed: November 2, 2018

11/04/2020

1 Plaintiff's Motion for an Order (1) preliminarily approving the class action settlement reached  
2 between the parties, (2) approving the notice of class action settlement, and (3) setting the final approval  
3 hearing (the "Preliminary Approval Motion") came on for hearing on October 14, 2020 in Department  
4 12 of the above-captioned court, the Honorable Carolyn B. Kuhl presiding. Alexandra Buechner of  
5 Hackler, Flynn & Associates, APC appeared on behalf of Defendant TPPJ Pasadena, LLC ("TPPJ" or  
6 "Defendant"). Samantha L. Ortiz of the Law Offices of Ramin R. Younessi, APLC appeared on behalf  
7 of Plaintiff and the proposed settlement class.

8 The Court, having considered Plaintiff's Motion, the memorandum of points and authorities in  
9 support thereof and supporting evidence, Defendant's agreement with and/or non-opposition to the  
10 Motion, and the oral arguments of counsel, hereby ORDERS, ADJUDGES AND DECREES as follows:

11 1. The Preliminary Approval Motion is GRANTED and the parties' Revised Stipulation of  
12 Class Action Settlement and Release between Plaintiff and Defendant ("Revised Stipulation") is  
13 preliminarily approved;

14 2. This Order incorporates by reference the definitions in the Stipulation and all terms  
15 defined therein shall have the same meaning in this Order;

16 3. The Settlement Class is preliminarily certified for settlement purposes only. Should the  
17 settlement not become final, the fact that the parties were willing to stipulate to class certification as part  
18 of the settlement shall have no bearing on, nor be admissible in connection with, the issue of whether a  
19 class should be certified in a non-settlement context;

20 4. The class action settlement contemplated by the Stipulation is preliminarily approved  
21 based upon the terms set forth in the Stipulation filed herewith. The class-action settlement appears to be  
22 fair, adequate, and reasonable to the Settlement Class. The class-action settlement contemplated by the  
23 Stipulation falls within the range of reasonableness and appears to be presumptively valid, subject to any  
24 objections that may be raised at the Final Approval Hearing before this Court. The preliminary approval  
25 of the class-action settlement and the parties' agreement includes the approval for purposes of the  
26 settlement of Ramin R. Younessi of the Law Offices of Ramin R. Younessi, APLC, 3435 Wilshire  
27 Boulevard, Suite 2200, Los Angeles, California 90010 as Class Counsel; Plaintiff Patrick Magrdchian as  
28 Class Representative; and CPT Group, Inc. as Claims Administrator. Class Counsel are authorized to

11/04/2020

1 act on behalf of the Settlement Class with respect to all acts or consents required by or which may be  
2 given pursuant to the Stipulation and the class-action settlement contemplated by the Stipulation, and  
3 such other acts reasonably necessary to consummate the Settlement. The Claims Administrator is  
4 authorized to perform such acts as set forth in this Order and the Stipulation.

5 5. The Settlement Class and each member of the Class who has not submitted a valid and  
6 timely Request for Exclusion shall release the Released Parties from any and all liabilities, demands,  
7 claims, causes of action, complaints and obligations, whether known or unknown, against the Released  
8 Parties that are or that could have been pled based on the facts alleged in the Operative Complaint as  
9 further detailed in ¶¶ 51 and 52 of the Revised Stipulation. This release will not be effective until the  
10 Settlement Payments are mailed to the Settlement Class Members, which will be within fifteen (15)  
11 business days of the Effective Date of the Settlement (*estimated to be May 20, 2021, unless any appeal*  
12 *is filed*). Under no circumstances will this release be effective before the date of the mailing of the  
13 Settlement Payments by the Claims Administrator.

14 6. The Class Notice in the form attached to the Second Supplemental Declaration of  
15 Samantha L. Ortiz in Support of the Motion for Preliminary Approval as Exhibit E (filed concurrently  
16 herewith) is approved as to form and content.

17 7. The Class Notice shall be sent by First-Class U.S. Mail to Settlement Class Members in  
18 accordance with the schedule set forth below. The dates selected for the mailing and distribution of the  
19 Class Notice as set forth below meet the requirements of due process and provide the best notice  
20 practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled  
21 thereto:

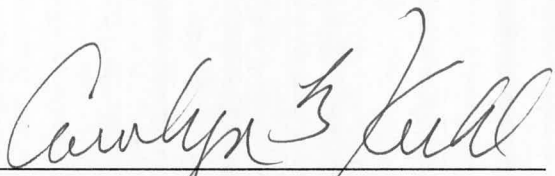
- 22 a. Deadline for TPPJ to provide Claims Administrator with the class list and related  
23 information in electronic form: November 5, 2020 (*which is 10 calendar days*  
24 *after the Order granting preliminary approval, presuming Order filed on October*  
25 *26, 2020.*)
- 26 b. Deadline for Claims Administrator to mail the Notice Packets: November 16,  
27 2020 (*which is 10 calendar days after receipt from TPPJ of Class Member data.*)

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- c. Deadline for Settlement Class Members to submit objections to the Claims Administrator: no later than January 11, 2021 (which is approximately 55 calendar days after the date of the original mailing of the Notice [45 calendar days plus 10 additional calendar days to account for any notices that needed to be re-mailed].)
- d. Deadline for Class Members to make a Request for Exclusion: no later than January 11, 2021 (which is approximately 55 calendar days after the date of the original mailing of the Notice [45 calendar days plus 10 additional calendar days to account for any notices that needed to be re-mailed].)
- e. Deadline for Class Counsel to file a Motion for Final Approval: April 28, 2021.
- f. A Final Approval Hearing on the question of whether the proposed settlement, attorneys' fees and costs to Class Counsel, and the class representative enhancement should be approved as fair, reasonable, and adequate as to the Settlement Class: May 20, 2021 at 10:30am in Department 12 of the above-mentioned courthouse (which is within 16 court days after Class Counsel files Motion for Final Approval and Motion for Attorneys' Fees.)

**IT IS SO ORDERED.**

Dated: Nov. 2, 2020

  
 \_\_\_\_\_  
 HONORABLE CAROLYN B. KUHL  
 JUDGE OF THE SUPERIOR COURT

11/04/2020

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 3435 Wilshire Boulevard, Suite 2200, Los Angeles, California 90010.

On October 26, 2020, I served the foregoing document described as **[PROPOSED] ORDER GRANTING MOTION FOR AN ORDER (1) PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT, (2) APPROVING NOTICE OF CLASS ACTION SETTLEMENT, AND (3) SETTING HEARING FOR FINAL APPROVAL** on the interested parties in this action as follows:

By placing true copies enclosed in a sealed envelope addressed to each addressee as follows:

Alexandra Buechner, Esq. <a href="mailto:alex@hacklerflynnlaw.com">alex@hacklerflynnlaw.com</a> HACKLER FLYNN & ASSOCIATES, APC 597 Monterey Pass Road Monterey Park, California 91754	<i>Attorneys for Defendant</i> <i>TPPJ S. PASADENA, LLC and</i> <i>TOMATO PIE PIZZA JOINT SILVER LAKE, INC.</i>
California Labor & Workforce Development Agency Attn. PAGA Administrator 1515 Clay Street, Ste. 801 Oakland, CA 94612	

ONLY BY ELECTRONIC TRANSMISSION. Only by e-mailing the document(s) to the persons at the e-mail address(es) listed based on notice provided on March 18, 2020 that, during the Coronavirus (COVID-19) pandemic, this office will be working remotely, not able to send physical mail as usual, and is therefore using only electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

BY ELECTRONIC SERVICE: Pursuant to SB 836, I electronically filed a copy of the aforementioned document with California Labor & Workforce Development Agency Only.

Executed on October 26, 2020, at Los Angeles, California.

STATE I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

FEDERAL I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Christian Ortiz



11/04/2020