

1 **ACKERMANN & TILAJEF, P.C.**
2 Craig J. Ackermann, CA Bar No. 229832
3 cja@ackermanntilajef.com
4 1180 South Beverly Drive, Suite 610
5 Los Angeles, CA 90035
6 Telephone: (310) 277-0614
7 Facsimile: (310) 277-0635

8 **MELMED LAW GROUP P.C.**
9 Jonathan Melmed, CA Bar No. 290218
10 jm@melmedlaw.com
11 1180 South Beverly Drive, Suite 610
12 Los Angeles, CA 90035
13 Telephone: (310) 824-3828
14 Facsimile: (310) 862-6851

15 *Attorneys for Plaintiff, the Putative Class and Aggrieved Employees*

16 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF KERN**

18 AMALIA LOPEZ, on behalf of herself and
19 all others similarly situated,

20 Plaintiff,

21 v.

22 UNITEK COLLEGE NCP, LLC, a
23 Delaware limited liability company; and
24 DOES 1 through 100, inclusive,

25 Defendants.

Case No. BCV-19-102146

~~PROPOSED~~ **ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: February 25, 2020

Time: 8:30 a.m.

Dept: 10

Judge: Hon. Stephen D. Schuett

Complaint Filed: August 1, 2019

Trial Date: None set

FILED
SUPERIOR COURT OF CA. COUNTY OF KERN

FEB 25 2020

TAMARAH HARBER-PICKENS, CLERK
BY [Signature] DEPUTY

1 Plaintiff's unopposed Motion for Preliminary Approval of a Class Action Settlement came
2 before this Court, on February 25, 2020, in department 10, the Honorable Stephen D. Schuett
3 presiding. The Court having considered the papers submitted in support of the application of the
4 parties, HEREBY ORDERS THE FOLLOWING:

5 1. The Court grants preliminary approval of the Settlement and the Settlement Class
6 based upon the terms set forth in the Joint Stipulation of Settlement and Release of Class Action
7 ("Settlement Agreement") attached as **Exhibit A** to the Declaration of Jonathan Melmed in support
8 of Plaintiff's Notice of Motion and Memorandum in Support of Motion for Preliminary Approval
9 of Class Action Settlement. All terms used herein shall have the same meaning as defined in the
10 Settlement Agreement. The settlement set forth in the Settlement Agreement appears to be fair,
adequate and reasonable to the Class.

11 2. This Court has considered the papers in support of the Motion and the Settlement
12 Agreement and finds that the, pursuant to C.R.C. Rule 3.769(d), proposed Class should be certified
13 for settlement purposes only. Specifically, the Court finds for settlement purposes only that the
14 proposed Class: (a) is ascertainable; (b) is sufficiently numerous; (c) meets the commonality
15 requirements; (d) the claims of the Class Representatives are typical of the claims of the proposed
16 Class Members; (e) Class Representatives' counsel has and is able to adequately represent the
17 proposed Class; (f) the Class Representatives are adequate to represent the Class; and (g) class-
18 wide treatment of this dispute is superior to individual litigation because common issues
19 predominate over individual issues for settlement purposes.

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

23 4. A final fairness hearing on the question of whether the proposed Settlement,
24 attorneys' fees and costs to Class Counsel, and the Class Representative's Enhancement Award
25 should be finally approved as fair, reasonable and adequate as to the members of the Class is
26 scheduled on the date and time set forth in the implementation schedule in Paragraph 10 below.

27 5. This Court approves, as to form and content, the Notice of Proposed Class Action

1 Settlement and Hearing Date for Court Approval (“Class Notice”), in substantially the form
2 attached to the Settlement Agreement as **Exhibit 1**, and the Share Form in substantially the form
3 attached thereto as **Exhibit 2**. The Court approves the procedure for Class Members to participate
4 in, to opt out of, and to object to, the Settlement as set forth in the Settlement Agreement.

5 6. The Court directs the mailing of the Class Notice, and the Share Form by first class
6 mail to the Class Members in accordance with the Implementation Schedule set forth below. The
7 Court finds the dates selected for the mailing and distribution of the Notice and the Share Form, as
8 set forth in the Implementation Schedule, meet the requirements of due process and provide the
9 best notice practicable under the circumstances and shall constitute due and sufficient notice to all
10 persons entitled thereto.

11 7. It is ordered that the Settlement Class is preliminarily certified for settlement
12 purposes only.

13 8. The Court preliminary certifies for settlement purposes only the Settlement Classes
14 defined as follows:

15 **Labor Code Class:** “All individuals who are or were employed by Defendant in California
16 from January 4, 2015 through August 15, 2019” (“Labor Code Class Members”); and/or,

17 **Background Check Class:** “All individuals who applied for employment with
18 Defendant in California and who are or were required to undergo a background check
19 as part of their application process from January 4, 2014 through August 15, 2019.”
20 (“Background Check Class Members”).

21 See Settlement Agreement, at §I, 6. The Class Period is defined (1) January 4, 2014 through August
22 15, 2019 for the Background Check Class; and (2) January 4, 2015, through August 15, 2019 for
23 the Labor Code Class.

24 9. The Court confirms Plaintiff Amalia Lopez as Class Representative, and Jonathan
25 Melmed of Melmed Law Group P.C. and Craig J. Ackermann and Avi Kreitenberg of Ackermann
26 & Tilajef, P.C. as Class Counsel.

27 10. The Court appoints CPT Group, Inc. as the Settlement Administrator.

28 11. To facilitate administration of the Settlement pending final approval, the Court
hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or
administrative proceedings (including filing claims with the Division of Labor Standards

1 Enforcement of the California Department of Industrial Relations) regarding claims released by
 2 the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with
 3 the Settlement Administrator and the time for filing claims with the Settlement Administrator has
 4 elapsed.

5 12. The Court orders the following **Implementation Schedule** for further proceedings:

7	a. Deadline for Defendant to Submit Class Member Information to Settlement Administrator	[Within 30 days after the Preliminary Approval Date]
9	b. Deadline for Settlement Administrator to Mail Notice to Class Members	[Within 14 days after receiving the Class Member Information from Defendant]
11	c. Deadline for Class Members to Postmark Share Forms with Challenges	[60 days after mailing of the Class Notice and Share Form]
13	d. Deadline for Class Members to Postmark Requests for Exclusion	[60 days after mailing of the Class Notice and Share Form]
15	e. Deadline for Class Members to submit any Objections to Settlement	[60 days after mailing of the Class Notice and Share Form]
17	f. Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	[10 days prior to Final Approval and Fairness Hearing]
19	g. Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days prior to Final Approval and Fairness Hearing]
21	h. Final Approval and Fairness Hearing	<u>July 15</u> , 2020 at <u>8:30</u> a.m./p.m. SJS
23	i. Deadline for Defendant to pay the Gross Settlement Amount to the Settlement Administrator	[Within 30 days after the Effective Date]
25	j. Deadline for Settlement Administrator to mail the Individual Settlement Awards (if Settlement is Effective)	[Within 15 days after Defendant provides funds to the Settlement Administrator]
27	k. Deadline for Settlement Administrator to mail Enhancement Award, and to wire	[Within 10 days after Defendant provides funds to the Settlement Administrator]

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	transfer the Attorneys' Fees and Costs (if Settlement is Effective)	
1.	Settlement Administrator to File Declaration of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	[120 calendar days after the Effective Date]

13. If any of the dates in this Implementation Schedule falls on a weekend, bank or court holiday, the time to act shall be extended to the next business day.

14. The Court shall retain jurisdiction over the Action for all purposes pursuant to California Rule of Court 3.769 and California Rule of Civil Procedure § 664.6 to enforce the terms of the Settlement.

IT IS SO ORDERED.

Dated: Feb. 25, 2020

S. D. Schuett
Hon. Stephen D. Schuett