

Prepared by Counsel

FILED
San Francisco County Superior Court

APR - 2 2021

CLERK OF THE COURT
BY:  Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

HOLLY LA LUZ, an individual and on behalf of
all others similarly situated,

Plaintiff,

vs.

VOXELMAPS, INC., a Delaware corporation;
TECH MAHINDRA (AMERICAS), INC., a
New Jersey corporation; PETER ATALLA, an
individual; and DOES 1-50, inclusive,

Defendants.

CASE NO. CGC-20-584129

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

Complaint Filed: April 2, 2020

Hearing Dates: March 18, 2021 and April 1,
2021

Time: 9:30 a.m.

Dept. 302

ORDER

On March 18, 2021, this Court conducted a hearing on the Motion for Preliminary Approval of Class Action Settlement. On April 1, 2021, the Court held a second hearing on this motion to determine the date for scheduling a final approval hearing. Patrick R. Kitchin, Esq. of Kitchin Legal, APC appeared on behalf of Plaintiff Holly La Luz ("Plaintiff"). Kathryn B. Fox, Esq. of Buchalter, APC appeared on behalf of Defendant VoxelMaps, Inc. ("VoxelMaps" or "Defendant") (collectively, the "Parties"). Leslie Abbott, Esq. of Paul Hastings LLP, appeared on behalf of Defendant Tech Mahindra (Americas), Inc.

1 Having considered the Joint Stipulation of Class Action Settlement and Release
2 (“Settlement Agreement” or “Settlement”), the Motion for Preliminary Approval of Class Action
3 Settlement and all of the legal authorities and documents submitted in support thereof and **GOOD**
4 **CAUSE** appearing, **IT IS HEREBY ORDERED** that the Motion for Preliminary Approval of
5 Class Action Settlement is **GRANTED**, subject to the following findings and orders:

6 1. This Order incorporates by reference the definitions in the Settlement Agreement,
7 and all terms defined therein shall have the same meaning as set forth in the Settlement Agreement.

8 2. The Settlement Class shall conditionally be certified for settlement purposes only
9 and shall include all former independent contractors, who allegedly should have been classified as
10 employees, who worked for VoxelMaps in California as “Image and Data Collectors” from April
11 2, 2016 through March 18, 2021 (“Class Period”), except that the Settlement Class will not include
12 any person who previously settled or released any of the Claims covered by this Settlement or any
13 person who was previously paid or received an award through any civil or administrative action for
14 any Claim covered by this Settlement.

15 3. The class action settlement set forth in the Settlement Agreement, entered into
16 among the parties and their counsel, is preliminarily approved as it appears to be proper, to fall
17 within the range of reasonableness, to be the product of arm’s-length and informed negotiations, to
18 treat all Class Members fairly, and to be presumptively valid, subject only to any objections that
19 may be raised at the Final Approval Hearing.

20 4. The Court approves, as to form and content, the proposed Notice of Class Action
21 Settlement (“Notice”) and Settlement Award Form. The Notice and Settlement Award Form shall
22 be sent in English.

23 5. The Court directs the mailing, by First-Class U.S. mail, of the Notice and Settlement
24 Award Form to Class Members, in accordance with the schedule set forth below. The Court finds
25 that the method selected for communicating the Settlement to Class Members is the best notice
26 practicable under the circumstances, constitutes due and sufficient notice to all persons entitled to
27 notice, and thereby satisfies due process.

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1 6. The named Plaintiff is a suitable class representative and is appointed Class
2 Representative for the Settlement Class.

3 7. Kitchin Legal, APC has demonstrated to the Court's satisfaction that it is
4 experienced in class action litigation and will adequately represent the interests of all Class
5 Members. Accordingly, the Court appoints Kitchin Legal, APC as Class Counsel.

6 8. The Court approves CPT Group, Inc. as the Claims Administrator.

7 9. Through and including the date set for final approval to facilitate the administration
8 of this Settlement, the Court hereby enjoins Plaintiff and all Class Members from filing or
9 prosecuting any claims, suits or administrative proceedings (including filing claims with the
10 California Division of Labor Standards Enforcement) regarding claims released by the Settlement
11 unless such individual Class Members have filed valid exclusion requests with the claims
12 administrator.

13 10. The following dates shall govern for the purposes of this Settlement:

15 April 11, 2021 (or not more than ten 16 calendar days after preliminary 17 approval)	Defendant shall provide to the Claims Administrator a list, formatted in Microsoft Office Excel, of each Class Member's full name; most recent mailing address and telephone number; Social Security number; dates of employment in California during the Class Period and number of workweeks Class Members; and any other relevant information needed to calculate settlement payments.
23 May 1, 2021 (or not more than 24 twenty calendar days after receipt of 25 the Class List)	Last day for Claims Administrator to mail Notice to Class Members.
26 June 30, 2021 (or not more than 27 sixty calendar days after Claims	Last Day for Class Members to opt out, serve objections to the Settlement and/or mail Individual Response Form.

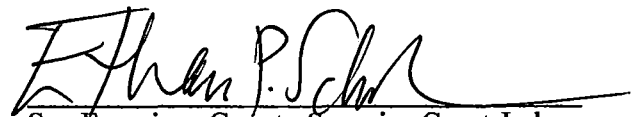
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Administrator mails the Notice)	
July 9, 2021	Plaintiff files Motion for Final Approval of Class Action Settlement and Motion for a Class Representative Enhancement Payment and an Award or Attorneys' Fees and Costs.
August 2, 2021, 9:30 a.m. (not less than thirty days after response deadline)	Hearing on Motion for Final Approval of Class Action Settlement and Motion for a Class Representative Enhancement Payment and an Award or Attorneys' Fees and Costs.

In addition, at this time Defendants Tech Mahindra and Peter Atalla are dismissed without prejudice based on the stipulations of the parties. If the Settlement Agreement is finally approved by the Court, Defendants Tech Mahindra and Peter Atalla shall be dismissed with prejudice.

IT IS SO ORDERED.

Dated: Apr. 2, 2021


San Francisco County Superior Court Judge

ETHAN P. SCHULMAN