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FILED
Superior Court of California
County of Los Angeles

9 JUL 26 2017

Sherril K. Carter, Executive Officer/Clerk
By *Jan Josef Manrique* Deputy
Jan Josef Manrique

Attorneys for Plaintiff JESUS BIBRIESCA and JOSE MOLINA as individuals and on behalf of all employees similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES-CENTRAL DISTRICT
CENTRAL CIVIL WEST**

JESUS BIBRIESCA AND JOSE MOLINA, as
individuals and on behalf of all similarly situated
employees,

Plaintiffs,

v.

QVEST SANITATION, LLC, SOUTH EAST
PERSONNEL LEASNG, INC. and DOES 1
through 50, inclusive,

Defendant

Case No.: ~~BC604532~~ BC568014

**ORDER IN SUPPORT OF
PLAINTIFF'S MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT**

Judge: Hon. Carolyn B. Kuhl
Date: June 26, 2017
Time: 10:00 a.m.
Dept.: 309

Action Filed: December 30, 2014
Trial Date: None

RECEIVED
Central Civil West
JUN 08 2017
By: M. Aguirre

~~XXXXXXXXXX~~ ORDER IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT

1 The Court, having read and considered the papers filed in support of the motion, the proposed
2 class notice and other documents, having considered the arguments of counsel, and good cause appearing
3 therefore,

4 IT IS HEREBY ORDERED:

filed July 26, 2017

5
6 1. The Class Action Settlement Agreement and Stipulation (the "Settlement Agreement") of
7 Defendants QVEST SANITATION, LLC, SOUTHEAST PERSONNEL LEASING, INC.
8 ("Defendant") and Plaintiff JESUS BIBRIESCA ("Named Plaintiff"), ~~attached hereto as Exhibit A,~~ is
9 preliminarily approved as the terms of the Settlement Agreement fall within the range of approval as fair,
10 adequate and reasonable.¹ Based on a review of the papers submitted by Named Plaintiff, the Court finds
11 that the Settlement is the result of arms-length negotiations conducted after Named Plaintiff and/or her
12 counsel adequately investigated the claims and became familiar with the strengths and weaknesses of the
13 claims. The Settlement is presumptively valid, subject only to any objections that may be raised at the
14 final fairness hearing and final approval by this Court.

CMC

15 2. The following persons are conditionally certified as Class Members for
16 Settlement purposes only: "means any current or former non-exempt employee of Defendant who worked
17 at any time between December 30, 2010 and the court's Preliminary Approval of Class Settlement of
18 July 26, 2017, and does not opt out." The Settlement Class does not include anyone who
19 has previously waived and/or released their claims against Defendant by entering into a separate
20 agreement with Defendant during the Settlement Period.

CMC

21 3. The proposed Class satisfies the requirements of a class because the members of the Class
22 are readily ascertainable, and a well-defined community of interest exists in the questions of law and fact
23 affecting the Parties.

24 4. Named Plaintiff, JESUS BIBRIESCA, is appointed as the Class Representative. Kevin
25 Mahoney of Mahoney Law Group, APC is appointed as Class Counsel.

26 5. The Parties' proposed notice plan is constitutionally sound and hereby approved as the
27 best notice practicable. The proposed Notice of Proposed Class Action Settlement ("Class Notice"),

28 ¹ Defendant and Named Plaintiff are collectively referred to herein as the "Parties."

to the Supplemental Declar. of Kevin Mahoney

W/C

attached hereto as Exhibit B is sufficient to inform Class Members of the terms of the Settlement Agreement, their rights to receive monetary payments under the Settlement Agreement and the date and location of the final approval hearing. In addition, the Class Notice fairly, plainly, accurately, and reasonably informs Class Members of: (1) the nature of the action, the definition of the Class, the identity of Class Counsel, and essential terms of the Settlement; (2) Named Plaintiff's and Class Counsel's applications for the class representative's enhancement award, and Class Counsel's request for attorneys' fees and litigation costs; (3) a formula used to determine the Class Member's estimated payment; (4) Class Members' rights to appear through counsel if they desire; (5) how to object to the Settlement or submit a request for exclusion from the settlement if a Class Member wishes to do so (the Parties' Opt-Out Form is attached hereto as Exhibit C); and (6) how to obtain additional information regarding the action and the Settlement. (California Rule of Court, rule 3.766.) The Court finds that the notice requirements of California Rule of Court, rule 3.769, subd. (f) are satisfied, and that the Class Notice adequately advises Class Members of their rights under the Settlement. Counsel for the Parties are authorized to correct any typographical errors in the Class Notice and make clarifications, to the extent the same are found or needed, so long as such corrections do not materially alter the substance of the Class Notice.

W/C

6. Phoenix Settlement Administrators is appointed to act as the Settlement Administrator, pursuant to the terms set forth in the Settlement Agreement. The Settlement Administrator is ordered to carry out the Settlement according to the terms of the Settlement Agreement and in conformity with this Order, including disseminating the Notice Packet according to the notice plan described in the Settlement Agreement.

7. The procedures and 45-day deadline for members of the Class to request exclusion from or to object to the Settlement is adopted as described in the Settlement Agreement. Any Class Member who intends to object to final approval of the Settlement Agreement must submit an objection to the Settlement Administrator by mail in accordance with the Settlement Agreement. Any opposition or reply to an objection or the motion for final approval will be due according to California Code of Civil Procedure section 1005.

8. The Parties are ordered to carry out the Settlement according to the terms of the Settlement

1 Agreement.

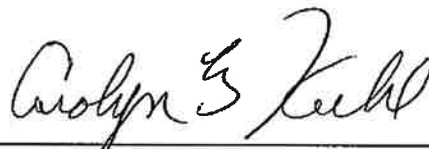
2 9. The Motion for Final Approval of the Settlement Agreement, including requests to
3 approve the Class Representative Enhancement payment and Class Counsel's request for attorneys' fees
4 and costs, shall be filed and served no later than Nov. 15, 2017.

5 10. A final approval hearing will be held on Dec. 11, 2017, at 10:30 a.m., to
6 determine whether the Settlement Agreement should be granted final approval as fair, reasonable, and
7 adequate as to the Settlement Class Members. The Court reserves the right to continue the date of the
8 final approval hearing without further notice to the Class Members. The Court retains jurisdiction to
9 consider all further applications arising out of or in connection with the Settlement Agreement.

10 11. In the event the Settlement is not fully and finally approved, or otherwise does not become
11 effective in accordance with the terms of the Settlement Agreement, this Order shall be rendered null and
12 void and shall be vacated, and the Parties shall revert to their respective positions as of before entering
13 into the Settlement Agreement. If the Settlement does not become final for any reason, the fact that the
14 Parties were willing to stipulate to settlement and the circumstances, proceedings and documents related
15 to the proposed settlement and shall have no bearing on, and will not be admissible in connection with
16 litigation, whether through issue preclusion or estoppel or otherwise.

17
18 **IT IS SO ORDERED.**

19
20
21 Dated: July 26, 2017



The Honorable Maren E. Nelson
Judge of the Superior Court

PROOF OF SERVICE
Code of Civ. Proc. § 1013a, subd. (3)

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, 249 East Ocean Boulevard, Suite 814, Long Beach, California, 90802.

On June 8, 2017, I served true copies of the foregoing document(s) described as: **[PROPOSED] ORDER IN SUPPORT OF PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT** on the interested parties in this action addressed as follows:

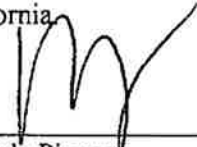
Roxana Verano
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LANDEGGER BARON LAW GROUP
15760 Ventura Blvd., Suite 1200
Encino, CA 91436

Attorneys for Defendant Quality Value Excellent Sanitation Team LLC

By Electronic Transmission: The parties listed above were served electronically with a true and correct copy of the document(s) listed above by transmission through CASE ANYWHERE.

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

Executed on **June 8, 2017**, at Long Beach, California



Nicole Pierson