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7 Attorneys for Plaintiffs JOSÉ TAJONAR, *et al.*

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO-CENTRAL DIVISION
10

11
12)
13 JOSÉ TAJONAR, individually and on)
14 behalf of himself and on behalf of)
15 others similarly situated,)

16 Plaintiffs)

17 vs.)

18 ECHOSPHERE L.L.C., a Colorado)
19 limited liability company; DISH)
20 NETWORK L.L.C., a Colorado limited)
21 liability company; DISH NETWORK)
22 SERVICE L.L.C., a Colorado limited)
23 liability company; DISH NETWORK)
24 CORPORATION, a Nevada)
25 corporation; DISH NETWORK)
26 CALIFORNIA SERVICE)
27 CORPORATION, a Colorado)
28 corporation; and DOES 1 through 50)
inclusive,)

Defendants.)

Case No.: 37-2014-00041384-CU-OE-CTL

Judge: Hon. Joel Pressman
Courtroom: C-66

PLAINTIFFS' NOTICE OF RULING

[Civ. Pro. § 1019.5]

Complaint Filed: December 8, 2014
Discovery Cutoff: TBA
Trial Date: None

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NOTICE OF RULING

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 18, 2017, the Honorable Joel Pressman in the above-referenced action granted Plaintiffs' Motion to Preliminarily Approve class action settlement. A true and correct copy of the Court's Order is attached hereto and marked as Exhibit 1.

Dated: July 19, 2017

Law Offices of
Thomas D. Rutledge

By: /s/ Thomas D. Rutledge _____
/s/Thomas D. Rutledge
Attorney for Plaintiffs, *et al.*

Exhibit 1

17 JUL 17 AM 11:58

FILED
Clerk of the Superior Court

JUL 18 2017

By: L. Urie, Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO-CENTRAL DIVISION

JOSÉ TAJONAR, individually and on
behalf of himself and on behalf of others
similarly situated,

Plaintiffs

vs.

ECHOSPHERE L.L.C., a Colorado limited
liability company; DISH NETWORK
L.L.C., a Colorado limited liability
company; DISH NETWORK SERVICE
L.L.C., a Colorado limited liability
company; DISH NETWORK
CORPORATION, a Nevada corporation;
DISH NETWORK CALIFORNIA
SERVICE CORPORATION, a Colorado
corporation; and DOES 1 through 50
inclusive,

Defendants.

Case No.: 37-2014-00041384-CU-OE-
CTL

Judge: Hon. Joel Pressman
Courtroom: C-66

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

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1 Class Action Settlement is hereby GRANTED, and as a part of said preliminary approval,
2 the Court hereby orders that the class be conditionally certified for settlement purposes only,
3 and that Thomas D. Rutledge be conditionally and preliminarily appointed class counsel.
4 Except as expressly noted, any capitalized terms used in this Order have the meaning
5 assigned to them in the Parties' Joint Stipulation of Class Action Settlement and Release.

6 **THE COURT FURTHER FINDS AS FOLLOWS:**

7 1. The Court finds on a preliminary basis that the settlement agreement,
8 incorporated by this reference and made a part of this order granting preliminary approval, is
9 within the range of reasonableness of a settlement that could ultimately be given final
10 approval by this court.

11 2. The Court preliminarily finds that the terms of the settlement are fair,
12 reasonable, and adequate, pursuant to § 382 of the California Code of Civil Procedure.

13 3. The Court finds that the elements of numerosity, commonality, typicality, and
14 adequacy have been established to support conditional certification of the class for
15 settlement purposes, with plaintiff acting as class representative.

16 4. The Court hereby appoints, for settlement purposes, Plaintiff José Tajonar as
17 class representative. The court further finds that Thomas D. Rutledge of the law offices of
18 Thomas D. Rutledge has established adequacy to be appointed as class counsel.

19 5. The Classes provisionally certified by this order for settlement purposes
20 includes all individuals employed by Defendants in the State of California as a Field Service
21 Specialist I to IV or a DISH Tech 1 to 4 at any time from September 23, 2010 to November
22 29, 2016 ("Non-Exempt Settlement Class") and all individuals employed by Defendants in
23 the State of California at any time from October 17, 2013 to December 25, 2014 ("Wage
24 Statement Settlement Class").

25 6. The Court approves Phoenix Claims Administration to serve as the claims
26 administrator.

27 7. The Court approves the proposed "notice packet," consisting of the class
28 notice (Exhibit 1 to the Settlement), the exclusion request form (Exhibit 2 to the Settlement),

1 and the claim form (Exhibit 3 to the Settlement), and orders them to be mailed to Settlement
2 Class Members in accordance with the terms of the Settlement.

3 8. The Court further orders that, to the extent Defendants are in possession of
4 Settlement Class Members' last known personal email address(es), that Defendants shall
5 provide such the email address(es) and work email addresses of currently employed
6 Settlement Class Members to the Claims Administrator at the same time it provides the
7 Claims Administrator their last known home addresses, and that the Claims Administrator
8 shall send the "notice packet" to Settlement Class Members via email in addition to U.S.
9 Mail.

10 9. The Court finds that the class notice constitutes the best notice practicable
11 under the circumstances and is in full compliance with the laws of the state of California
12 and, to the extent applicable, the United States Constitution and the requirements of due
13 process. The Court further finds that the class notice fully and accurately informs Settlement
14 Class Members of all material elements of the proposed Class Action Settlement, of each
15 Settlement Class Member's right to be excluded from the class, and each Settlement Class
16 Member's right and opportunity to object to the proposed Class Action Settlement. The class
17 notice adequately advises the class about:

- 18 A. The class action;
- 19 B. The settlement terms and the benefits available to each Settlement Class
20 Member;
- 21 C. Each Settlement Class Member's right to object and/or "opt out," and
22 the timing and procedures for doing so;
- 23 D. The conditional certification of the class for settlement purposes only;
- 24 E. Preliminary court approval of the proposed settlement;
- 25 F. Timing and procedures for distributing the settlement funds; and
- 26 G. The date of the final fairness hearing, as well as the rights of members
27 to submit objections and appear in connection with said hearing.

28 Accordingly, the Court hereby approves the proposed notices to the class and finds

1 that mailing to the last known address of members of the class, as specifically described
2 within the settlement agreement, constitutes an effective method of notifying Settlement
3 Class Members of their rights with respect to the class action and proposed settlement.

4 **THE COURT FURTHER ORDERS AS FOLLOWS:**

5 10. Within ten calendar days following the Preliminary Approval Date,
6 Defendants shall provide to the Settlement Administrator a list of all Wage Statement
7 Settlement Class Members and Non-Exempt Settlement Class Members, as applicable,
8 including: (i) their last known addresses; (ii) their telephone numbers; (iii) their social
9 security numbers; (iv) the number of Eligible Non-Exempt Pay Periods worked by each such
10 member of the Settlement Class; and (v) the number of Eligible Wage Statement Pay
11 Periods worked by each such member of the Settlement Class.

12 11. The Settlement Administrator shall use reasonable efforts to ensure that the
13 Class Notice Materials are sent to all members of the Settlement Class. In the event that any
14 Class Notice Materials have not been returned within thirty (30) days following the mailing
15 of such Class Notice Materials to any such member of the Settlement Class, then it will be
16 conclusively presumed that such member of the Settlement Class received the Class Notice
17 Materials.

18 12. In the event that a Former Employee who is member of the Settlement Class
19 would like to receive a payment in the settlement, then such Former Employee must
20 complete in all respects and sign a Claim Form, and mail such Claim Form to the Settlement
21 Administrator no later than 60 calendar days following the initial mailing of the Class Notice
22 Materials. The timeliness of the any such Former Employee's submission of his or her
23 Claim Form will be determined by valid postmark of such Claim Form.

24 13. In order to object to the settlement in writing or by appearing at the final
25 approval hearing, any member of the Settlement Class must complete in all respects, sign
26 and mail his or her written objection or notice of intent to appear at the final approval
27 hearing to the Settlement Administrator by U.S. Mail no later than 60 calendar days
28 following the mailing of the Class Notice Materials to members of the Settlement Class.

1 The timeliness of submitted objections or notices to appear will be determined by valid
2 postmark of such objections or notices. The Settlement Administrator shall forward any and
3 all objections and notices to the Parties within two business days of its receipt of any such
4 objections or notices.

5 14. In order to exclude himself or herself from this Stipulation of Settlement,
6 members of the Settlement Class must complete in all respects, sign and mail his or her
7 Exclusion Form to the Settlement Administrator via U.S. mail no later than 60 calendar days
8 following the mailing of the Class Notice Materials to Settlement Class Members. The
9 timeliness of submitted Exclusion Forms will be determined by a valid postmark of any such
10 Exclusion Form. Plaintiff is expressly prohibited from submitting an Exclusion Form.

11 15. The Court will hold a hearing at 10:30 a.m. on November 3, 2017, in
12 Department C-66 of the San Diego Superior Court, Hall of Justice, located at 330 West
13 Broadway, San Diego, California 92101, to determine whether the Court should grant final
14 approval of the Settlement as fair, reasonable, and adequate. The Court will hear all
15 evidence and argument necessary to evaluate the Settlement, and will consider Plaintiff's
16 request for the Incentive Award and Class Counsel's request for attorneys' fees and costs.
17 The Court expressly reserves the right to adjourn or continue the Final Fairness Hearing
18 from time to time without further notice to the Class.

19 16. Any Class Member, may be heard in support of, or in opposition to, the
20 Court's determination of the good faith, fairness, reasonableness and adequacy of the
21 proposed settlement, the requested attorney's fees and costs, the requested class
22 representative's enhancement, and any order granting final approval.

23 17. All briefs and materials in support of an order granting final approval, an
24 application for attorney's fees and costs, and the class representative's enhancement, shall be
25 filed with this court no later than ten court days before the date set for the final fairness
26 hearing.

27 18. Any objections to the settlement and supporting briefs regarding such
28 objections shall be mailed to the settlement administrator no later than 30 days after the

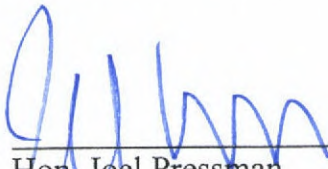
1 mailing of the notice packet. Response briefs, if any, in opposition to objections shall be
2 filed with this court no later than five court days before the final fairness hearing.

3 19. If, for any reason, the court does not execute and file an order granting final
4 approval, or if the effective settlement date does not occur for any reason whatsoever, the
5 settlement agreement and the proposed settlement which is the subject of this order and all
6 evidence and proceedings had in connection therewith shall be without prejudice to the
7 status quo ante rights of the parties to the litigation, as more specifically set forth in the
8 Settlement Agreement.

9 20. Pending further order of this court, all proceedings in this matter except those
10 contemplated herein and in the Settlement Agreement are stayed.

11 **IT IS SO ORDERED.**

12
13 Dated: 7/18/17



Hon. Joel Pressman
Judge of the Superior Court of California

PROOF OF SERVICE

17 JUL 17 AM 11:58
F L M E D
Clerk of the Superior Court

STATE OF CALIFORNIA

JUL 18 2017

COUNTY OF SAN DIEGO

By: L. Urie, Clerk

I, THOMAS D. RUTLEDGE, the undersigned, am employed in the County of San Diego, State of California; I am over the age of 18 and not a party to the within action; my business address is 500 West Harbor Drive, Suite 1113, San Diego, California 92101.

On July 17, 2017, I served the foregoing document(s) described as:

PLAINTIFFS' PROPOSED ORDER

on the interested parties to this action by placing a copy thereof enclosed in a sealed envelope addressed as follows: **See Attached List.**

☒ (BY MAIL) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence was deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in San Diego, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☒ (BY E-MAIL via E-file) I am readily familiar with the business practice for collection and processing of correspondence for emailing with the Court authorized third-party vendor. This correspondence was sent via email via this third-party vendor pursuant to the vendor's policies and practices.

☐ (BY OVERNIGHT DELIVERY SERVICE) I served the foregoing document by Federal Express, an express service carrier which provides overnight delivery, as follows. I placed true copies of the foregoing document in sealed envelopes or packages designated by the express service carrier, addressed to each interested party as set forth above, with fees for overnight delivery paid or provided for.

☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

☐ (BY FACSIMILE) I caused such documents to be delivered via facsimile to the offices of the addressee(s) at the following facsimile number:

Executed July 17, 2017, at San Diego, California.

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

/s/Thomas D. Rutledge
/s/THOMAS D. RUTLEDGE

Thomas D. Rutledge
Attorney-at-Law
500 W. Harbor Drive, Suite 1113
San Diego, California 92101
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SERVICE LIST

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PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

I, THOMAS D. RUTLEDGE, the undersigned, am employed in the County of San Diego, State of California; I am over the age of 18 and not a party to the within action; my business address is 500 West Harbor Drive, Suite 1113, San Diego, California 92101.

On July 19, 2017, I served the foregoing document(s) described as:

PLAINTIFFS' NOTICE OF RULING

on the interested parties to this action by placing a copy thereof enclosed in a sealed envelope addressed as follows: **See Attached List.**

☒ (BY MAIL) I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service. This correspondence was deposited with the United States Postal Service this same day in the ordinary course of business at our Firm's office address in San Diego, California. Service made pursuant to this paragraph, upon motion of a party served, shall be presumed invalid if the postal cancellation date of postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

☐ (BY E-FILE) I electronically filed the foregoing with the Clerk of the Court using the court authorized electronic filing system that sent notification of such filing to counsel denoted on the attached Service List, and I hereby certify that I have mailed the foregoing document(s) via the U.S. Postal Service to the non- court authorized electronic filing system participants indicated on the attached Service List.

☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the above named addressee(s).

☐ (BY FACSIMILE) I caused such documents to be delivered via facsimile to the offices of the addressee(s) at the following facsimile number:

Executed July 19, 2017, at San Diego, California.

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

By: _____
Thomas Rutledge

Thomas D. Rutledge
Attorney-at-Law
500 West Harbor Drive, Suite 1113
San Diego, California 92101
Telephone: (619) 886-7224
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