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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

ABRAHAM ONOFRE, individually, and on
behalf of all others similarly situated,
REINA CEDILLO, individually, and on behalf of
all others similarly situated,

Plaintiff,

vs.

CAITAC GARMENT PROCESSING, INC., a
California Corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No.: BC702283

Hon. Kenneth R. Freeman

CLASS ACTION


**[REDACTED] ORDER
GRANTING PLAINTIFF'S FIRST
AMENDED MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: October 17, 2019
Time: 10:00 a.m.
Dept.: SSC-14

Action Filed: May 1, 2018
Trial date: Not set

FILED
Superior Court of California
County of Los Angeles

OCT 21 2019

Sherri R. Carter, Executive Officer/Clerk
By: , Deputy
Roxanne Arraiga

RECEIVED
LOS ANGELES SUPERIOR COURT
OCT 16 2019
I. LOVO

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Plaintiffs ABRAHAM ONOFRE and REINA CEDILLO (“Plaintiffs”) and Defendant
3 CAITAC GARMENT PROCESSING, INC. (“Defendant”) have reached terms of settlement for a
4 putative class action.

5 Plaintiffs have filed a first amended motion for preliminary approval of a class action settlement
6 of the claims asserted against Defendant in this action, memorialized in the FIRST AMENDED JOINT
7 STIPULATION OF CLASS ACTION SETTLEMENT (*see* Declaration of H. Scott Leviant In Support
8 of Plaintiff’s First Amended Motion for Preliminary Approval of Class Action Settlement [“Leviant
9 Decl.”], at Exh. 1). The FIRST AMENDED JOINT STIPULATION OF CLASS ACTION
10 SETTLEMENT is referred to herein as the “Agreement” or “Settlement.”

11 After reviewing the Agreement the Notice process, and other related documents, and having
12 heard the argument of Counsel for respective parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

13 1. The Court preliminarily finds that the terms of the proposed class action Settlement are
14 fair, reasonable, and adequate, pursuant to California Code of Civil Procedure § 382. In granting final
15 approval of the class action settlement the Court has considered the factors identified in *Dunk v. Ford*
16 *Motor Co.*, 48 Cal. App. 4th 1794 (1996), as approved in *Wershba v. Apple Computer, Inc.*, 91 Cal.
17 App. 4th 224 (2001) and *In re Microsoft IV Cases*, 135 Cal. App. 4th 706 (2006).

18 2. The Court finds that the Settlement has been reached as a result of intensive, serious and
19 non-collusive arms-length negotiations. The Court further finds that the parties have conducted
20 thorough investigation and research, and the attorneys for the parties are able to reasonably evaluate
21 their respective positions. The Court also finds that settlement at this time will avoid additional
22 substantial costs, as well as avoid the delay and risks that would be presented by the further prosecution
23 of the action. The Court finds that the risks of further prosecution are substantial.

24 3. The parties’ Settlement is granted preliminary approval as it meets the criteria for
25 preliminary settlement approval. The settlement falls within the range of possible approval as fair,
26 adequate and reasonable. The Court finds that it is appropriate to notify the members of the proposed
27 settlement Class of the terms of the proposed settlement.

1 4. The parties' proposed notice plan is constitutionally sound because individual notices
2 will be mailed to all Class Members whose identities are known to the parties, and such notice is the
3 best notice practicable. The parties' proposed Class Notice (Declaration of H. Scott Leviant, Exhibit A
4 to Exhibit 1) is sufficient to inform Class Members of the terms of the Settlement, their rights under the
5 settlement, their rights to object to the Settlement, their right to receive a payment under the settlement
6 or elect not to participate in the settlement, and the processes for doing so, and the date and location of
7 the final approval hearing and are therefore approved.

8 5. The following persons are certified as Class Members solely for the purpose of entering
9 a settlement in this matter:

10 All persons who worked for any Defendant in California as an hourly-paid, non-
11 exempt employee at any time during the Class Period. (May 1, 2014 through May 1,
12 2019).

12 (Settlement, ¶¶ 7-8.)

13 6. Plaintiffs ABRAHAM ONOFRE and REINA CEDILLO are appointed the Class
14 Representative. The Court finds Plaintiffs' counsel are adequate, as they are experienced in wage and
15 hour class action litigation and have no conflicts of interest with absent Settlement Class Members, and
16 that they adequately represented the interests of absent class members in the Litigation. Kane Moon, H.
17 Scott Leviant, and Allen Feghali of Moon & Yang, APC, and Ronald H. Bae and Olivia D. Scharrer of
18 Aequitas Legal Group, are appointed Class Counsel.

19 7. The Court appoints Phoenix Settlement Administrators to act as the Settlement
20 Administrator, pursuant to the terms set forth in the Agreement.

21 8. Class Members will be bound by the Agreement unless they submit a timely and valid
22 written request to be excluded from the Settlement within 60 days after mailing of the Class Notice by
23 Defendant or in accordance with the terms of the Agreement.

24 9. Any exclusion request shall be submitted to the Settlement Administrator rather than
25 filed with the Court. Class members are not required to send copies of an exclusion request to counsel.
26 The Settlement Administrator shall file a declaration concurrently with the filing of any motion for final
27 approval, authenticating a copy of every exclusion request received by the administrator.
28

1 10. Prior to the Final Approval Hearing, Plaintiffs shall file a motion for final approval of
2 the settlement.

3 11. Defendant is directed to provide the Settlement Administrator the names and most
4 recent known mailing addresses of Settlement Class Members, and any other information required in
5 accordance with the Agreement.

6 12. The Settlement Administrator is directed to mail the approved Class Notice by first-
7 class mail to the Class Members in accordance with the Agreement.

8 13. A final approval hearing will be held on February 27, 2020, at 10:00 a.m. in
9 Department SSC-14, to determine whether the settlement should be granted final approval as fair,
10 reasonable, and adequate as to the Class Members. At that time, the Court will hear all evidence and
11 arguments necessary to evaluate the Settlement. Class Members and their counsel may support or
12 oppose the Settlement, if they so desire, in accordance with the procedures set forth in the Class Notice
13 and this Order.

14 14. In connection with the final approval hearing, the Court orders the following

15 **Implementation Schedule** for further proceedings:

| | | |
|-------|---|---|
| 16 a. | Deadline for Defendant to submit the Settlement 17 Class information to the Settlement 18 Administrator. | Approximately November 19 11, 2019 (25 calendar days 20 after entry of this Order, 21 assuming entry on October 22 27, 2019). |
| 23 b. | Deadline for the Settlement Administrator to 24 Mail the Notice Packets to Settlement Class 25 Members. | Approximately November 26 26, 2019 (15 calendar days 27 after receiving Settlement 28 Class information). |
| f. | Deadline for Settlement Class Members to Submit Disputes regarding Total Workweeks to the Settlement Administrator. | January 25, 2020 (assuming mailing on November 26, 2019). |

| | | |
|----|---|---|
| g. | Deadline for Settlement Class Members to Submit Exclusion Requests to the Settlement Administrator. | January 25, 2020 (assuming mailing on November 26, 2019). |
| h. | Deadline for Settlement Class Members to Submit Objections to the Settlement Administrator. | January 25, 2020 (assuming mailing on November 26, 2019). |
| i. | Deadline for Class Counsel to file Motion for Final Approval of Class Action Settlement and Awards of Attorneys' Fees, Costs, and Named-Plaintiffs' Service Fee Awards. | January 28, 2020 (30 days prior to hearing). |
| k. | Final Approval Hearing. | February 27, 2020 10:00 a.m., Department 14. |

15. As set forth in the Notice, any Class Member may appear at the final approval hearing in person or by his or her own attorney and show cause why the Court should not approve the settlement, or object to the motion for awards of the Class Representative Enhancement Awards and Attorney's Fees and Costs. For any written comments or objections to be considered at the hearing, the Class Member must submit a written objection in accordance with the deadlines set forth in the Class Notice, or as otherwise permitted by the Court. However, written comments or objections are not required as a pre-condition to be heard at the final approval hearing.

16. Any written objection shall be submitted to the Settlement Administrator rather than filed with the Court. Class member are not required to send copies of any written objection to counsel. The Settlement Administrator shall file a declaration concurrently with the filing of any motion for final approval, authenticating a copy of every written objection received by the administrator.

17. The Court reserves the right to continue the date of the final approval hearing without further notice to Class Members.

18. Class Counsel shall give notice to any objecting party of any continuance of the hearing of the motion for final approval.

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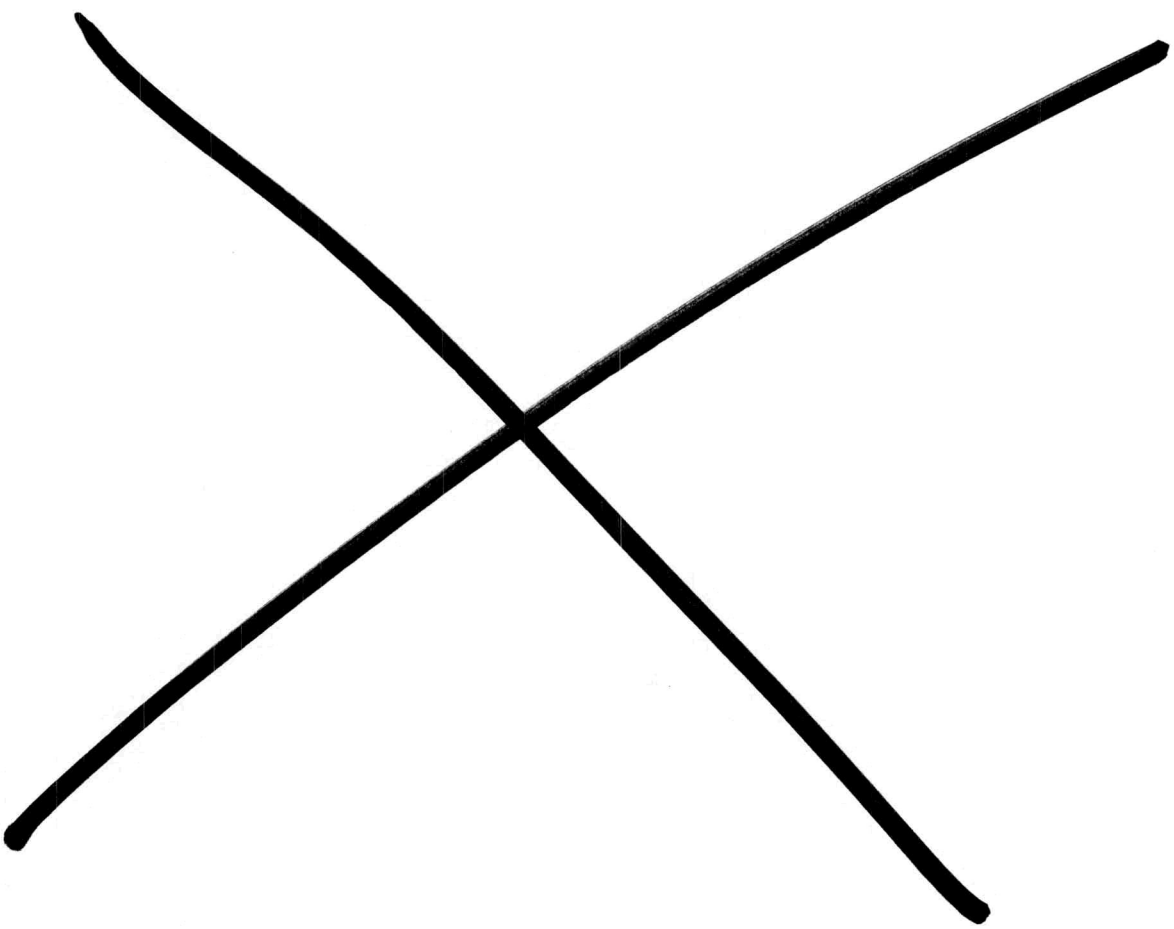
19. The Court retains jurisdiction to consider all further applications arising out of or in connection with the settlement.

IT IS SO ORDERED.

Dated: OCT 21 2019



Hon. Kenneth R. Freeman
LOS ANGELES COUNTY SUPERIOR COURT JUDGE



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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 1055 W. 7th Street, Suite 1880, Los Angeles, CA 90017.

On the date indicated below, I served the document described as: **[REVISED PROPOSED] ORDER GRANTING PLAINTIFF'S FIRST AMENDED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the interested parties in this action by sending [] the original [or] a true copy thereof to interested parties as follows [or] [] as stated on the attached service list:

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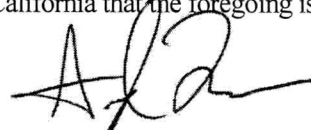
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Attorneys for Plaintiff Cedillo

BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service CASEANYWHERE. I did not receive an error message.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this **October 16, 2019** at Los Angeles, California.

Angel Reyes
Type or Print Name



Signature