

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 9

20STCV03799

FRANCISCO CALDERON vs SMILEDIRECTCLUB, LLC, et al.

August 2, 2021

3:32 PM

Judge: Honorable Yvette M. Palazuelos
Judicial Assistant: A. Abramyan
Courtroom Assistant: M. Tavakoli

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Court Order Re: Motion for Preliminary Approval of Settlement

The motion is not called for hearing.

The parties have been previously provided with the Court's tentative ruling.

Without appearing, Counsel for Plaintiff and for Defendant submit via E-Mail to the Court's Tentative Ruling.

The Court having reviewed and considered the moving papers and there being no opposition, adopts its Tentative Ruling as the final ruling of the Court, and rules as follows:

1) The Parties' Motion for Preliminary Approval of class action settlement is GRANTED as the settlement is fair, adequate, and reasonable.

2) The essential terms are, among other things:

A. The Gross Settlement Amount ("GSA") is \$650,000. Defendants represent that there are an estimated 11,463 workweeks worked by the Settlement Class Members during the Class Period. If the number of workweeks during the Class Period is more than 10% greater than this figure, (i.e., if there are 12,609 or more workweeks worked by the Settlement Class Members), Defendants agree to increase the Gross Settlement Amount on a proportional basis (i.e., if there was 10% increase in the number workweeks during the Class Period, Defendants would agree to increase the Gross Settlement Amount by 10%). However, instead of increasing the Gross Settlement Amount if this escalator clause is triggered, Defendants retain the option to end the Class Period and release period as of the date that the increase in workweeks reaches 12,609 without any increase in the Gross Settlement Amount. (¶13)

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B. The Net Settlement Amount (“Net”) \$363,583.34 is the GSA minus the following:
Up to \$216,666.66 (1/3) for attorney fees;
Up to \$35,000 for litigation costs;
Up to \$5,000 for a service award to the proposed class representative;
Up to \$7,250 for settlement administration costs;
\$22,500(75% of \$30,000 PAGA penalty) to the LWDA; and

C. Plaintiffs release of Defendants from claims described herein.

3) The Parties’ Motion for Final Approval of Class Action Settlement must be filed by February 4, 2022. The parties must contact the Clerk in Department 9 to obtain a hearing date for their motion.

4) The Parties’ Motion for Final Approval of Class Action Settlement must include a concurrently lodged [Proposed] Judgment containing among other things, the class definition, full release language, and names of the any class members who opted out; and the Parties must email the [Proposed] Judgment in Word format to Dept. 9 staff at sscdept9@lacourt.org.

Non-Appearance Case Review is scheduled for 02/14/2022 at 08:30 AM in Department 9 at Spring Street Courthouse.

On the Court's own motion, the Hearing on Motion for Preliminary Approval of Settlement scheduled for 08/04/2021 is advanced to this date and vacated .

Order granting the Preliminary Approval of Class Action Settlement is signed and filed this date.

After being contacted by Plaintiff's office, the court schedules the Motion for Final Approval of Class Action Settlement for January 11, 2022 at 10:00 AM in Department 9 at the Spring Street Courthouse.

Clerk hereby provides notice.

Clerk's Certificate of Service By Electronic Service is attached.