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Filed JUN 09 2023
STEPHANIE BOHRER, CLERK
By 
DEPUTY

8 Attorneys for Plaintiffs, the Putative Class, and the Aggrieved Employees

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN JOAQUIN**

11 MARTIN JAVIER HERNANDEZ and
12 VICENTE SERRANO, individuals on behalf of
13 themselves, the State of California, as a private
14 attorneys general, and on behalf of all others
15 similarly situated,

16 Plaintiffs,

17 v.

18 ODYSSEY LANDSCAPING COMPANY,
19 INC., a California Corporation; ODYSSEY
20 LANDSCAPE COMPANY INC., an Unknown
21 Entity; and DOES 1 TO 50,

22 Defendants.

Case Number: STK-CV-UOE-2021-11109

~~Proposed~~ **Order Granting Preliminary
Approval of Class and PAGA Action
Settlement**

Complaint Filed: December 7, 2021
FAC Filed: March 4, 2022
Trial Date: None Set

Hearing Date: June 9, 2023
Hearing Time: 9:00 a.m.
Dept.: 10D
Judge: Hon. Barbara A. Kronlund

APR 27 2023

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1 **[PROPOSED] ORDER**

2 This matter having come for hearing on June 9, 2023, at 9:00 a.m., regarding Plaintiffs'
3 unopposed *Motion for Preliminary Approval of Class and PAGA Action Settlement* (the "Motion") on
4 the terms set forth in the parties' *Class Action and PAGA Settlement Agreement and Release* (the
5 "Settlement Agreement") attached as **Exhibit A** to the concurrently filed *Declaration of Jonathan*
6 *Melmed in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement*. Having
7 considered the Settlement, all papers and proceedings held herein, and having reviewed the entire
8 record in this action, the Court hereby finds and orders:

9 1. The Court grants Plaintiffs leave file the overlength brief attached to the Motion.

10 2. The Court grants preliminary approval of the Settlement Agreement and the settlement
11 "Class" (as that term is defined in the Motion) based upon the terms set forth in the Settlement
12 Agreement. All terms used herein shall have the same meaning as defined in the Motion. The resolution
13 set forth in the Settlement appears to be fair, adequate, and reasonable to the Class.

14 3. The Settlement Agreement falls within the range of reasonableness and is presumptively
15 valid, subject only to any objections that may be raised at the final fairness hearing and final approval
16 by this Court.

17 4. A final fairness hearing on the question of whether the proposed Settlement Agreement,
18 the attorneys' fees and costs to Plaintiffs' counsel, and Plaintiffs' service awards should be finally
19 approved as fair, reasonable, and adequate as to the members of the Class is scheduled on the date and
20 time set forth in the implementation schedule below.

21 5. This Court approves, as to form and content, the *Notice of Proposed Class Action and*
22 *PAGA Settlement* ("Class Notice") to be distributed to the Class Members pursuant to the Settlement
23 Agreement in substantially the same form as is attached to the Settlement Agreement as **Exhibit 1**. The
24 Court approves the procedure for Class Members to participate in, to opt out of, and to object to the
25 Settlement Agreement as set forth in the Settlement Agreement.

26 6. The Court directs the mailing of the Class Notice by first class mail to the Class
27 Members in accordance with the implementation schedule set forth below. The Court finds the dates
28 selected for the mailing and distribution of the Class Notice, as set forth in the implementation schedule,

1 meet the requirements of due process and constitute the best notice practicable under the circumstances
2 and due and sufficient notice to all persons entitled thereto.

3 7. The Court preliminarily certifies the Class, as defined in the Motion, for settlement
4 purposes.

5 8. The Court confirms Plaintiffs Martin Javier Hernandez and Vicente Serrano
6 ("Plaintiffs") as class representatives.

7 9. The court confirms Jonathan Melmed, Kyle D. Smith, and Joanne Kim of Melmed Law
8 Group P.C. as class counsel.

9 10. The court appoints Phoenix Settlement Administrators as the settlement administrator.

10 11. To facilitate administration of the Settlement Agreement pending final approval, the
11 court hereby enjoins Plaintiffs and all members of the Class from filing or prosecuting any claims,
12 suits, or administrative proceedings (including filing claims with the Division of Labor Standards
13 Enforcement of the California Department of Industrial Relations) regarding claims released by the
14 Settlement Agreement, unless and until such Class Members have filed valid requests for exclusion
15 with the Settlement Administrator and the time for filing claims with the Settlement Administrator has
16 elapsed.

17 12. The Court orders the following Implementation Schedule for further proceedings:
18

19 a.	Deadline for Defendant to Submit Class List to the Settlement Administrator	Within twenty-one (21) calendar days of this order.
20 b.	Deadline for Settlement Administrator to Mail Notice Packets to all Class Members	Within twenty-eight (28) calendar days of this order.
21 c.	Deadline for Class Members to Postmark Workweeks Challenges	Within forty-five (45) days after mailing of the Class Notice.
22 d.	Deadline for Class Members to Postmark Requests for Exclusion	Within forty-five (45) days after mailing of the Class Notice.
23 e.	Deadline for Class Members to Submit Any Objections to Settlement	Within forty-five (45) days after mailing of the Class Notice.
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1	f.	Deadline for Settlement Administrator to Provide Class Counsel with Declaration of Due Diligence	At least twenty-one (21) calendar days prior to the date of the Final Approval and Fairness Hearing.
2			
3	f	Final Approval and Fairness Hearing	<u>October 31</u> , 2023
4			at <u>9:00</u> ^(a.m.) /p.m. [Any date on or after
5			October 24, 2023.]

6 13. If any of the dates in this implementation schedule fall on a weekend, bank or court
7 holiday, the time to act shall be extended to the next business day.

8 **IT IS SO ORDERED.**

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10 Dated: JUN 09 2023



11 Judge of the Superior Court, County of San Joaquin

12 **BARBARA A. KRONLUND**

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