

1 **[PROPOSED] ORDER**

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

8 1. The Court grants Plaintiff leave file the overlength brief attached to the Motion.

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

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

16 4. A final fairness hearing on the question of whether the proposed Settlement Agreement,
17 the attorneys' fees and costs to Plaintiff's counsel, and Plaintiff's service award should be finally
18 approved as fair, reasonable, and adequate as to the members of the Class is scheduled in Department
19 10A on the date and time set forth in the implementation schedule below.

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

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

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 Plaintiff Ricardo Antonio Cano Altamirano ("Plaintiff") as class
6 representative.

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

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

18 a.	Deadline for Defendants to Submit Class List to the Settlement Administrator	[Within fourteen (14) calendar days of this order.]
19 b.	Deadline for Settlement Administrator to Mail Notice Packets to all Class Members	[Within twenty-eight (28) calendar days of this order.]
20 c.	Deadline for Class Members to Postmark Workweeks Challenges	[Within forty-five (45) days after mailing of the Class Notice.]
21 d.	Deadline for Class Members to Postmark Requests for Exclusion	[Within forty-five (45) days after mailing of the Class Notice.]
22 e.	Deadline for Class Members to Submit Any Objections to Settlement	[Within forty-five (45) days after mailing of the Class Notice.]
23 f.	Deadline for Settlement Administrator to Provide Class Counsel with Declaration of Due Diligence	[At least twenty-one (21) calendar days prior to the Final Approval and Fairness Hearing.]
24		
25		
26		
27		
28		

f	Final Approval and Fairness Hearing	<u>October 31</u> , 2023 at <u>9</u> a.m./p.m.
---	-------------------------------------	---

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

IT IS SO ORDERED.

Dated: May 24, 2023

George Abdallah
Judge of the Superior Court, County of San Joaquin
GEORGE J. ABDALLAH, JR

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28