

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—
GENERAL

Case No. 8:20-cv-01075-JWH-JDE

Date June 15, 2023

Title *Frank Cuellar v. First Transit, Inc.*

Present: The Honorable JOHN W. HOLCOMB, UNITED STATES DISTRICT JUDGE

Clarissa Lara

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

**Proceedings: ORDER GRANTING PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT (IN CHAMBERS)**

Before the Court is the motion of Plaintiff Frank Cuellar, individually and on behalf of all others similarly situated, for approval of a class action settlement with Defendant First Transit, Inc.¹ The Court finds this matter appropriate for resolution without a hearing. *See* Fed. R. Civ. P. 78; L.R. 7-15. After considering the unopposed motion, the Court orders that the Motion is **GRANTED**, for the reasons set forth herein.

The Court, having reviewed the Motion for Preliminary Approval of Class Action Settlement; the Memorandum Points and Authorities in support thereof; the Declarations of Zorik Mooradian, Haik Hacopian, and Brian Kriegler; the Joint Stipulation of Class and PAGA Representative Action Settlement Agreement and Release (“Settlement Agreement”) filed by the parties on September 30, 2022; and the Amendment to Joint Stipulation of Class and PAGA Representative Action Settlement (“Amendment”) filed by the parties on November 1, 2022, and in recognition of the Court’s duty (a) to make a preliminary determination regarding

¹ Pl.’s Mot. for Preliminary Approval of Class Action Settlement (the “Motion”) [ECF No. 33].

the reasonableness of any proposed class action settlement and, if preliminarily determined to be reasonable; (b) to ensure that proper notice is provided to Settlement Class Members in accordance with due process requirements; and (c) to conduct a final approval hearing as to the good faith, fairness, adequacy, and reasonableness of any proposed settlement, hereby makes the following **FINDINGS:**

A. The terms of the settlement agreement reached by Cuellar and First Transit, as set forth in the Settlement Agreement and the Amendment, are hereby **PRELIMINARILY APPROVED** as being fair, reasonable, and adequate to the members of the Settlement Class (defined in Paragraph B, below), subject to further consideration at the final approval hearing after the distribution of the settlement notice to the members of the Settlement Class, as provided in Paragraph G of this Order.

B. The Court hereby **GRANTS** conditional certification of the following Settlement Class for settlement purposes only:

All individuals employed by First Transit, Inc. and/or First Vehicle Services, Inc. as non-exempt employees in the state of California from January 17, 2016, to June 21, 2022. (the “Class Period”).

C. The Court **CONFIRMS** Zorik Mooradian and Haik Hacopian of Mooradian Law, a Professional Corporation, as Class Counsel.

D. The Court **CONFIRMS** Plaintiff Frank Cuellar as Class Representative.

E. The Court **CONFIRMS** Phoenix Administrators as the Settlement Administrator.

F. The Court finds that the Notice of Pendency of Class Action and Proposed Settlement (the “Notice”) attached as Exhibit A to the Settlement Agreement advises the Settlement Class of the pendency and nature of the class and representative action; of the proposed Settlement terms; of the preliminary Court approval of the proposed Settlement; of the amount of the Settlement and how it will be allocated; of objection timing and procedures; and of opt-out timing and procedures for Class Members only. The Court further finds that the Class Notice documents fairly and adequately advise Settlement Class Members of the terms of the proposed Settlement and the benefits available to Settlement Class

Members thereunder and of the final approval hearing date, time, and place and the right to file documentation in support of or in opposition to the Settlement and to appear in connection with said hearing. The Court further finds that the Notice clearly comports with all constitutional requirements including those of due process. Accordingly, the Court **APPROVES** notice of proposed class action settlement as an attached exhibit to the settlement agreement.

G. The Court **AUTHORIZES** mailing of the Notice to the Class Members in accordance with the terms of the Settlement Agreement. First Transit shall provide the Settlement Administrator with the information necessary to conduct this mailing in accordance with the terms of the Settlement Agreement.

For the foregoing reasons, the Court hereby **ORDERS** as follows:

1. A hearing is **SET** for October 27, 2023, at 9:00 a.m. in Courtroom 9D of the Ronald Reagan Federal Building and U.S. Courthouse, 411 W. 4th Street, Santa Ana, California, to consider and determine the following:

- (a) whether the Settlement Agreement should be finally approved;
- (b) whether Class Counsel's application for attorneys' fees and costs should be approved;
- (c) when the settlement of representative PAGA claims should be approved; and
- (d) whether the application for Class Representative Enhancement Payment should be approved,

2. The parties' briefing schedules shall be calculated according to this Court's Local Rules.

3. All other deadlines in the instant action are hereby **STAYED** pending the final approval hearing. Any party may move at any time to modify or vacate the stay, for good cause shown.

IT IS SO ORDERED.