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18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **COUNTY OF LOS ANGELES**

20 TONY MCCOY, individually, and on behalf
21 of other members of the general public
22 similarly situated;

23 Plaintiff,

24 vs.

25 ROAD RUNNER SPORTS INC., a Delaware
26 Corporation; and DOES 1 through 100,
27 inclusive,

28 Defendants.

FILED
Superior Court of California
County of Los Angeles
06/26/2023

David W. Slayton, Executive Officer / Clerk of Court
By: A. Morales Deputy

Case No.: 19STCV37733

*Assigned for all purposes to the Hon. Lawrence
P. Riff, Department 7*

**~~[PROPOSED]~~ ORDER GRANTING
MOTION FOR PREMINARY APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT**

Hearing Date: June 22, 2023
Hearing Time: 10:00 a.m.
Dept.: 7

Complaint Filed: October 23, 2019

[PROPOSED] ORDER

The Motion of Plaintiffs Tony McCoy and Mariana Ramirez (“Plaintiffs”) for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) came regularly for hearing before this Court on June 22, 2023. The Court, having considered the proposed Joint Stipulation of Class Action and PAGA Settlement (“Settlement Agreement” or “Settlement”), attached as Exhibit 1 to the Declaration of Heather Davis filed concurrently with the Motion; having considered Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, memorandum of points and authorities in support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing. All terms used herein shall have the same meaning as defined in the Settlement Agreement. For purposes of the Settlement only, the Court finds that the proposed Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following settlement Class:

“All current and former hourly-paid, non-exempt employees of Defendant Road Runner Sports, Inc. who performed work for Defendant Road Runner Sports, Inc. in the State of California at any time between February 6, 2015, and February 12, 2023.”

2. For purposes of the Settlement only, the Court designates Plaintiffs Tony McCoy and Mariana Ramirez as Class Representatives, and designates Lawyers for Justice PC and Protection Law Group, LLP as Class Counsel.

3. The Court designates Phoenix Settlement Administrators as the third-party Settlement Administrator.

4. The parties are ordered to implement the Settlement according to the terms of the Settlement Agreement.

1 5. The Court approves, as to form and content, the proposed Notice of Proposed Class
2 Action Settlement (“Notice of Settlement”) attached as Exhibit A to the Settlement Agreement.

3 6. The Court finds that the form of notice to the Class regarding the pendency of the
4 action and of the Settlement, the dates selected for mailing and distribution, and the methods of
5 giving notice to members of the Class, satisfy the requirements of due process, constitute the best
6 notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all
7 members of the Class. The form and method of giving notice complies fully with the requirements
8 of California Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of
9 Court §§ 3.766 and 3.769, the California and United States Constitutions, and other applicable
10 law.

11 7. The Court further approves the procedures for Class Members to opt-out of or
12 object to the Settlement, as set forth in the Notice of Settlement and the Settlement Agreement.
13 The procedures and requirements for filing objections in connection with the final fairness hearing
14 are intended to ensure the efficient administration of justice and the orderly presentation of any
15 Class Member’s objection to the Settlement, in accordance with the due process rights of all Class
16 Members.

17 8. The Court directs the Settlement Administrator to mail the Notice of Class Action
18 Settlement to the members of the Class in accordance with the terms of the Settlement.

19 9. The Notice of Class Action Settlement shall provide sixty (60) calendar days’
20 notice for Class Members to submit disputes, opt-out of, or object to the Settlement.

21 10. The hearing on Plaintiff’s Motion for Final Approval of Settlement on the question
22 of whether the Settlement should be finally approved as fair, reasonable, and adequate is
23 scheduled in Department 7 of this Court, located at 312 North Spring Street, Los Angeles, CA
24 90012, on November 16, 2023 at 10:00 a.m.

25 11. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
26 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting
27 final approval of the Settlement should be entered; and (c) whether Plaintiffs’ application for
28

1 enhancement payments, settlement administration costs, and Class Counsel’s attorney’s fees and
2 costs, should be granted.

3 12. Counsel for the parties shall file memoranda, declarations, or other statements and
4 materials in support of their request for final approval of Plaintiffs’ application for enhancement
5 payments, settlement administration costs, Class Counsel’s attorneys’ fees and costs, prior to the
6 hearing on Plaintiffs’ Motion for Final Approval of Settlement according to the time limits set by
7 the Code of Civil Procedure and the California Rules of Court.

8 13. An implementation schedule is below:

| Event | Date |
|---|---|
| Defendant to provide class contact information to Settlement Administrator no later than: | July 6, 2023 [14 days following preliminary approval] |
| Settlement Administrator to mail the Notice of Settlement to the Class no later than: | July 13, 2023 [7 days following provision of contact information] |
| Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement: | September 11, 2023 [60 days after mailing of the Notice of Settlement] |
| Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement: | October 24, 2023 [16 court days before the Final Approval Hearing] |
| Hearing on Motion for Final Approval of Settlement | November 16, 2023 at 10:00 a.m. in Courtroom 10 of the Superior Court of the State of California, County of Santa Clara, San Jose, California |

21
22 14. Pending the Final Fairness hearing, all proceedings in this Action, other than
23 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
24 Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court
25 hereby enjoins Plaintiffs and all members of the Class from filing or prosecuting any claims, or
26 suits regarding claims released by the Settlement, unless and until such Class Members have filed
27 valid Requests for Exclusion with the Settlement Administrator.
28

1 15. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
2 connection with the administration of the Settlement which are not materially inconsistent with
3 either this Order or the terms of the Settlement.

4
5 **IT IS SO ORDERED.**



A handwritten signature in black ink, appearing to read "Lawrence P. Riff".

6
7
8 DATED: 06/26/2023

By: _____
 Lawrence P. Riff / Judge
 JUDGE OF THE SUPERIOR COURT