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22 JOSE CARLOS MARTINEZ

23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

24 **FOR THE COUNTY OF LOS ANGELES**

25 JOSE CARLOS MARTINEZ, as an individual  
26 and on behalf of all others similarly situated,

27 Plaintiff,

28 vs.

R C FURNITURE, INC., a California  
corporation; and DOES 1 through 100,  
inclusive,

Defendants.

Case No. 21STCV00874

*[Assigned for all purposes to the Hon.  
Kenneth R. Freeman, Dept. SSC-14]*

**[PROPOSED] ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Date: August 24, 2023

Time: 10:00 a.m.

Dept.: SSC-14

Action Filed: January 7, 2021

Trial Date: None Set

1 The Motion of Plaintiff Jose Carlos Martinez (“Plaintiff”) for Preliminary Approval of Class  
2 Action Settlement will come on regularly for hearing before this Court on August 24, 2023 at 10:00  
3 a.m. The Court, having considered the proposed Class Action and PAGA Settlement Agreement and  
4 Class Notice (the “Settlement”), attached as Exhibit 2 to the Declaration of Scott M. Lidman filed  
5 concurrently with the Motion; having considered Plaintiff’s Motion for Preliminary Approval of Class  
6 Action Settlement, Memorandum of Points and Authorities in support thereof, and supporting  
7 declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set forth in  
9 the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately  
10 could be granted approval by the Court at a Final Fairness Hearing. For purposes of the Settlement,  
11 the Court finds that the proposed Settlement Class is ascertainable and that there are a sufficiently well-  
12 defined community of interest among the members of the Settlement Class in questions of law and fact.  
13 Therefore, for settlement purposes only, the Court grants conditional certification of the following  
14 Settlement Class:

15 All individuals who were employed by Defendant R C Furniture, Inc. and  
16 classified as hourly, non-exempt employees at any time between January 7,  
2017 through November 7, 2022.

17 2. For purposes of the Settlement, the Court designates named Plaintiff Jose Carlos  
18 Martinez as Class Representative, and Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman  
19 Law, APC and Paul Haines of Haines Law Group, APC as Class Counsel.

20 3. The Court designates Phoenix Settlement Administrators as the third-party Settlement  
21 Administrator for mailing notices.

22 4. The Court approves, as to form and content, the Court Approved Notice of Class Action  
23 Settlement and Hearing Date for Final Court Approval (“Class Notice”) and is attached to the Settlement  
24 as Exhibit A.

25 5. The Court finds that the form of notice to the Settlement Class regarding the pendency of  
26 the action and of the Settlement, and the methods of giving notice to members of the Settlement Class,  
27 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient  
28 notice to all members of the Settlement Class. The form and method of giving notice complies fully

1 with the requirements of California Code of Civil Procedure section 382, California Civil Code section  
2 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and  
3 other applicable law.

4 6. The Court further approves the procedures for Settlement Class Members to opt out of or  
5 object to the Settlement, as set forth in the Class Notice.

6 7. The procedures and requirements for filing objections in connection with the Final  
7 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly  
8 presentation of any Settlement Class Member's objection to the Settlement, in accordance with the due  
9 process rights of all Settlement Class Members.

10 8. The Court directs the Settlement Administrator to mail the Class Notice to the members  
11 of the Settlement Class in accordance with the terms of the Settlement.

12 9. The Class Notice shall provide at least 45 calendar days' notice for members of the  
13 Settlement Class to opt out of, or object to, the Settlement.

14 10. The Final Fairness Hearing on the question of whether the Settlement should be finally  
15 approved as fair, reasonable, and adequate is scheduled in Department 14 of this Court, located at 312  
16 North Spring Street, Los Angeles, California, 90012 on March 7, 2024, at 10:00 a.m.

17 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should  
18 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment  
19 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for  
20 reasonable attorneys' fees, reimbursement of litigation expenses, service award to Plaintiff, and payment  
21 to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code  
22 Private Attorneys General Act ("PAGA") should be granted.

23 12. Counsel for the parties shall file memoranda, declarations, or other statements and  
24 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation  
25 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA for  
26 PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil  
27 Procedure and the California Rules of Court.

28 13. An implementation schedule is below:

Event	Date	Date if Court signs Order on August 24, 2023
Defendant to provide Class Data to Settlement Administrator	15 calendar days after issuance of the preliminary approval order	September 8, 2023
Settlement Administrator to mail Notice Packets to Class Members	3 business days after receiving Class Information from Defendant	September 13, 2023
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	45 calendar days after mailing of the Notice by the Settlement Administrator	October 28, 2023
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	30 calendar days before Final Fairness Hearing is February 6, 2024	February 6, 2024
Final Fairness Hearing:	March 7, 2024 at 10:00 a.m.	March 7, 2024 at 10:00 a.m.

14. Pending the Final Fairness Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

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

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Honorable Kenneth R. Freeman  
Judge of the Superior Court

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES ) ss.

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18 and  
5 not a party to the within action; my business address is 2155 Campus Drive, Suite 150, El Segundo,  
6 California 90245.

7 On August 21, 2023, I served the document(s) described as: **[PROPOSED] ORDER  
8 GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on the  
9 interested party(ies) in this action as follows:

10 Darin Webb, Esq.  
11 dwebb@grsm.com  
12 George Soares, Esq.  
13 gsoares@grsm.com  
14 **GORDON REES SCULLY MANSUKHANI, LLP**  
15 101 W. Broadway, Suite 2000  
16 San Diego, CA 92101


17 Attorneys for Defendant  
18 R C FURNITURE, INC.

19  (BY MAIL) I am "readily familiar" with Lidman Law, APC's practice of collection and processing  
20 correspondence for mailing. I enclosed the document(s) in a sealed envelope or package addressed to  
21 the persons at the address(es) listed above. Under the practice the correspondence would be deposited  
22 with the U.S. postal service on the same day with postage thereof fully prepaid at El Segundo, California  
23 in the ordinary course of business. I am aware that on motion of the party served, service is presumed  
24 invalid if postage cancellation date or postage date is more than one day after date of deposit for mailing  
25 in affidavit.

26  (BY ELECTRONIC SERVICE) I caused a true and correct copy of the document(s) described  
27 above to be electronically served on counsel of record at the electronic service addresses listed above  
28 by transmission to Case Anywhere.

I declare under penalty of perjury under the laws of the State of California that the above is  
true and correct.

Executed on August 21, 2023, at El Segundo, California.

  
\_\_\_\_\_  
Dana Joudi