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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**

15 AMEENA BROWN, individually, and on behalf
16 of all others similarly situated,

17 *Plaintiff,*

18 v.

19 HEY BUI LLC DBA REFORMATION, a
20 California limited liability company, and DOES
21 1 through 10, inclusive,

22 *Defendants.*

FILED
Superior Court of California
County of Los Angeles
06/13/2024

David W. Slayton, Executive Officer / Clerk of Court

By: T. Lewis Deputy

Case No.: 22STCV40574

CLASS ACTION

[Assigned for all purposes to: Hon. David S. Cunningham, Dept. 11]

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

[Filed with Notice of Motion and Motion, Memorandum of Points and Authorities, the Declaration of Justin F. Marquez, and the Declaration of Ameena Brown]

PRELIMINARY APPROVAL HEARING

Date: March 18, 2024

Time: 11:00 a.m.

Dept: 11

Complaint filed: December 28, 2022

FAC filed: April 20, 2023

Trial date: Not set

1 The Court has before it Plaintiff Ameena Brown’s (“Plaintiff”) Motion for Preliminary
2 Approval of Class Action Settlement. Having reviewed the Motion for Preliminary Approval
3 of Class Action Settlement, the Declaration of Justin F. Marquez, the Joint Stipulation of
4 Settlement Agreement and Release (which is referred to here as the “Settlement Agreement”),
5 and good cause appearing, the Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
7 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
8 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
9 the terms set forth in the Settlement Agreement between Plaintiff Ameena Brown and Defendant
10 Hey Bui LLC dba Reformation. (“Defendant”), attached to the Declaration of Justin F. Marquez
11 in Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement as Exhibit
12 1.

13 2. The Settlement falls within the range of reasonableness of a settlement which
14 could ultimately be given final approval by this Court, and appears to be presumptively valid,
15 subject only to any objections that may be raised at the Final Approval Hearing and final
16 approval by this Court. The Court notes that Defendants have agreed to create a common fund
17 of \$175,000.00 to cover (a) settlement payments to class members who do not validly opt out;
18 (b) a \$10,000.00 payment to the State of California, Labor & Workforce Development Agency
19 for its share of the settlement of claims for penalties under the Private Attorneys General Act,
20 with 75% of which (\$7,500.00) will be paid to the LWDA and 25% (\$2,500.00) will be paid to
21 eligible Aggrieved Employees; (c) Class Representative service payment of up to \$7,500.00 for
22 Plaintiff Ameena Brown; (d) Class Counsel’s attorneys’ fees, not to exceed 35% of the Gross
23 Settlement Amount (\$61,250.00), and up to \$15,000.00 in costs for actual litigation expenses
24 incurred by Class Counsel; and (e) Settlement Administration Costs of up to \$15,000.00.

25 3. The Court preliminarily finds that the terms of the Settlement appear to be within
26 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
27 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair
28 and reasonable to the class members when balanced against the probable outcome of further

1 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
2 significant informal discovery, investigation, research, and litigation have been conducted such
3 that counsel for the parties at this time are able to reasonably evaluate their respective positions;
4 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
5 by the further prosecution of the litigation; and (4) the proposed settlement has been reached as
6 the result of intensive, serious, and non-collusive negotiations between the Parties with the
7 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
8 that the Settlement Agreement was entered into in good faith.

9 4. A final fairness hearing on the question of whether the proposed settlement,
10 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &
11 Workforce Development Agency for its share of the settlement of claims for penalties under the
12 Private Attorneys General Act, and the class representative's enhancement award should be
13 finally approved as fair, reasonable and adequate as to the members of the class is hereby set in
14 accordance with the Implementation Schedule set forth below.

15 5. The Court provisionally certifies for settlement purposes only the following class
16 (the "Settlement Class"): "all current and former employees of Hey Bui LLC dba Reformation
17 in California during the period July 3, 2018 through the date of preliminary approval of the
18 settlement."

19 6. "Class Period" means the period from July 3, 2018 through the date of
20 preliminary approval of the settlement.

21 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
22 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
23 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
24 of law and fact that are common, or of general interest, to all Settlement Class Members, which
25 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the
26 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
27 the interests of the Settlement Class Members; and (5) a class action is superior to other
28 available methods for the fair and efficient adjudication of the controversy.

1 8. The Court appoints as Class Representative, for settlement purposes only,
2 Plaintiff Ameena Brown. The Court further preliminarily approves Plaintiff's ability to request
3 an incentive award up to \$7,500.00.

4 9. The Court appoints, for settlement purposes only, Justin F. Marquez, Christina
5 M. Le, and Arsiné Grigoryan of Wilshire Law Firm, PLC as Class Counsel. The Court further
6 preliminarily approves Class Counsel's ability to request attorneys' fees of up to 35% of the
7 Total Settlement Amount (\$61,250.00), and costs not to exceed \$15,000.00.

8 10. The Court appoints Apex Class Action LLC as the Settlement Administrator with
9 reasonable administration costs estimated not to exceed \$15,000.00.

10 11. The Court approves, as to form and content the Class Notice, attached to the
11 Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the
12 Notice to Settlement Class Members satisfies due process, provides the best notice practicable
13 under the circumstances, and shall constitute due and sufficient notice to all persons entitled
14 thereto.

15 12. The parties are ordered to carry out the Settlement according to the terms of the
16 Settlement Agreement.

17 13. Any class member who does not timely and validly request exclusion from the
18 settlement may object to the Settlement Agreement.

19 14. The Court orders the following Implementation Schedule:

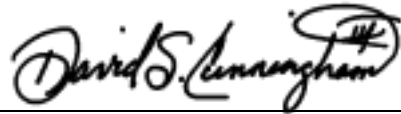
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|----|---|--|
| 20 | | |
| 21 | Defendants to provide Class List to the | 14 days after notice of entry of the Court's |
| 22 | Settlement Administrator | order granting Motion for Preliminary |
| 23 | | Approval |
| 24 | Settlement Administrator to mail the Notice | 14 days after receipt of the Class List from |
| 25 | Packets | the Defendant |
| 26 | Response Deadline | 60 days after Notice is mailed out by the |
| 27 | | Settlement Administrator |
| 28 | | |

| | |
|--|--|
| 1 2 Deadline to Provide Written Objections, if any | 60 days after Notice is mailed out by the Settlement Administrator |
| 3 4 5 Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Award to Plaintiff | 16 court days before hearing on Motion for Final Approval, which is <u>U&A 10/13/2024</u> , |
| 6 7 8 9 10 Final Approval Hearing | at <u>10:00 AM</u> at <u>10:00 AM</u> a.m./p.m., or first available date thereafter, in Department 11. The hearing may be continued to another date without further notice to the Class Members. |

11 15. The Court further ORDERS that, pending further order of this Court, all
12 proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

13 **IT IS SO ORDERED.**

14
15
16 DATE: 06/13/2024



17 _____
18 Hon. David S. Cunningham III
19 Los Angeles County Superior Court

PROOF OF SERVICE

Ameena Brown v. Hey Bui LLC DBA Reformation, et al.
22STCV40574

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Sandy S. Sespene, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12 th Floor, Los Angeles, California 90010. My electronic service address is ssespene@wilshirelawfirm.com.

On February 22, 2024, I served the foregoing **[PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Leslie L. Abbott (SBN 155597)
LeslieAbbott@paulhastings.com
Aja S. Nunn (SBN 347676)
ajanunn@paulhastings.com
Irma Gamino
irmagamino@paulhastings.com
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Los Angeles, CA 90071
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Facsimile: (213) 996.3310

Attorneys for Defendant Hey Bui LLC DBA Reformation

- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.
- (X) **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service **CASEANYWHERE**.

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

Executed this **February 22, 2024**, at Los Angeles, California.

Sandy S. Sespene