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FILED
Superior Court of California
County of Los Angeles

06/05/2024

David W. Slayton, Executive Officer / Clerk of Court

By: M. Fregoso Deputy

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF LOS ANGELES – SPRING STREET**

15 HECTOR ALMAZAN, individually, and on
16 behalf of others similarly situated and as an
17 aggrieved employee and Private Attorney
18 General;

19 Plaintiffs,

20 vs.

21 HATHAWAY-SYCAMORES CHILD AND
22 FAMILY SERVICE, a California non-profit
23 corporation; and DOES 1 through 100,
24 inclusive,

25 Defendants.

Case No.: 21STCV12008

*Assigned for All Purposes to: Hon. Elihu M.
Berle, Dept. 6*

CLASS ACTION

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

Hearing Date: May 28, 2024

Hearing Time: 9:00 a.m.

Dept: 6

Complaint Filed: March 29, 2021

Trial Date: None Set

~~PROPOSED~~ ORDER

The Motion of Plaintiff HECTOR ALMAZAN (“Plaintiff”) for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) came regularly for hearing before this Court on May 28, 2024. The Court, having considered the proposed Joint Stipulation of Class Action and PAGA Settlement (“Settlement” or “Settlement Agreement”) attached as Exhibit 3 to the Declaration of Heather Davis filed concurrently with the Motion; having considered Plaintiff’s Motion for Preliminary Approval of Class Action and PAGA Settlement, the 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 Hathaway-Sycamores Child and Family Services who were employed by Hathaway-Sycamores Child and Family Services in the State of California at any time between March 29, 2017, and July 17, 2023.

2. For purposes of the Settlement only, the Court designates Plaintiff as Hector Almazan as the Class Representative and designates Heather Davis, Amir Nayebdadash, and Brendan J. Burton of the Protection Law Group, LLP, as Class Counsel.

3. The Court designates Apex Class Action, LLC as the third-party Settlement Administrator.

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

5. The Court approves, as to form and content, the Notice of Proposed Class Action

1 Settlement (“Class Notice”) attached as Exhibit A to the Settlement Agreement.

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

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

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

18 9. The Class Notice shall provide 60 calendar days’ notice (plus an additional 15 days
19 for Class Members whose Class Notice is re-mailed) for Class Members to submit disputes, opt-
20 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 6 of this Court, located at 312 N. Spring Street, Los Angeles, California
24 90012, on October 4, 2024, at 9:00 a.m.

25 11. At the Final Fairness 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
27 granting final approval of the Settlement should be entered; and (c) whether Plaintiff’s application
28 for enhancement payment, settlement administration costs, and Class Counsel’s attorneys’ fees

1 and costs, should be granted.

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

7 13. An implementation schedule is below:

Event	Date
Defendant to provide class contact information and tax rate information to the Settlement Administrator no later than:	June 18, 2024 [14 days following preliminary approval]
Settlement Administrator to mail the Class Notice to the Class Members no later than:	July 2, 2024 [14 days following provision of contact information]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	September 3, 2024 [60 days after mailing of the Class Notice]
Deadline for filing responses to objections and for the Settlement Administrator to submit final report regarding opt-outs and objections:	September 20, 2024
Deadline for Plaintiff to file Motion for Final Approval, attorney fees and costs, incentive payments, and including any corresponding evidence:	August 2, 2024
Hearing on Motion for Final Approval of Settlement:	October 4, 2024, at 9:00 a.m.

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27 14. Pending the Final Fairness hearing, all proceedings in this Action, other than
28 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this

1 Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court
2 hereby enjoins Plaintiff and all members of the Class from filing or prosecuting any claims, or
3 suits regarding claims released by the Settlement, unless and until such Class Members have filed
4 valid Requests for Exclusion with the Settlement Administrator.

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

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9 **IT IS SO ORDERED.**

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11 DATED: 06/05/2024



12 By: **Elihu M. Berle**
13 Hon. Elihu M. Berle
14 JUDGE OF THE SUPERIOR COURT
15 Elihu M. Berle / Judge
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