

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO**

PERRIN LEE, individually, and on behalf of  
other members of the general public  
similarly situated;

Plaintiffs,

v.

HORNE LLP, an unknown business entity;  
and DOES 1 through 100, inclusive,

Defendant.

Case No. 34-2022-00320725-CU-OE-GDS,  
*consolidated with* Case No. 34-2022-00320699-  
CU-OE-GDS

*Assigned To: Honorable Jill H. Talley, Dept. 23*

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

**Hearing Date: June 21, 2024**

**Time: 9:00 a.m.**

**Dept.: 23**

Action Filed: May 27, 2022

1 The Motion for Preliminary Approval of Class Action and PAGA Settlement (“Motion”),  
2 filed by Plaintiff Perrin Lee, came on regularly for hearing before this Court on June 21, 2024 at 9:00  
3 a.m. The Court, having considered the Class Action and PAGA Settlement Agreement (“Settlement”)  
4 between Plaintiff and Defendant, filed herewith as **Exhibit 1** to the Declaration of Carolyn H. Cottrell  
5 (“Cottrell Decl.”), as well as the Motion, Memorandum of Points and Authorities in support thereof,  
6 supporting declarations, all supporting documents attached thereto, and any arguments presented at  
7 the hearing on the Motion, and good cause appearing therefore, **HEREBY ORDERS AND MAKES**  
8 **THE FOLLOWING DETERMINATIONS:**

9 1. This Order incorporates by reference the parties’ Settlement, and all defined terms  
10 herein shall have the same meanings as set forth in the Settlement.

11 2. The Court **GRANTS** preliminary approval of the Settlement and finds its terms to be  
12 fair, adequate, and within the range of reasonableness of a settlement that ultimately could be finally  
13 approved by the Court at a Final Approval Hearing.

14 3. For purposes of the Settlement only, the Court finds that the proposed Class is  
15 ascertainable and that there is a sufficiently well-defined community of interest among the Settlement  
16 Class Members in questions of law and fact. Therefore, for settlement purposes only, the Court  
17 **GRANTS** certification of the Class, which is defined as all persons employed by Defendant in  
18 California and classified as hourly, non-exempt employees to whom Defendant issued wage  
19 statements (but excluding any persons hired by a third party and assigned to work on an assignment  
20 for Defendant in California) during the period from May 27, 2018 to the date of this Preliminary  
21 Approval Order. All Class Members who do not opt out are bound by the terms of the Settlement.

22 4. For settlement purposes, the Court designates Plaintiff Perrin Lee as Class  
23 Representative of the Class and designates Schneider Wallace Cottrell Konecky LLP (“SWCK”) and  
24 Lawyers for Justice, PC (“LFJ”) as Class Counsel.

25 5. The Court designates Apex Class Action LLC (“Apex”) as the third-party Settlement  
26 Administrator for mailing notices, administering the Settlement, and carrying out all the other  
27 administrative responsibilities outlined in the Settlement.

28 6. The Court approves, as to form and content, the Court-Approved Notice of Class

1 Action Settlement and Hearing Date for Final Court Approval (“Class Notice”), in the form attached  
2 as **Exhibit 1-A** to the Settlement. Minor, non-substantive changes are permitted to the extent required  
3 to facilitate notice administration.

4 7. The Court finds that the form of the Class Notice and the methods of giving notice to  
5 Class Members constitute the best notice practicable under the circumstances and constitute valid,  
6 due, and sufficient notice to all Class Members. The form and method of giving notice comply fully  
7 with the requirements of Cal. Code Civ. Proc. § 382, Cal. Rules of Court 3.766 and 3.769, the  
8 California and United States Constitutions, and other applicable law.

9 8. The Court further approves the procedures for Class Members and/or Aggrieved  
10 Employees to challenge the calculation of their Workweeks and/or PAGA Pay Periods, opt out of the  
11 Settlement, or object to the Settlement, as set forth in the Settlement and as summarized in the Class  
12 Notice.

13 9. The procedures and requirements for submitting written objections in connection with  
14 the Final Approval Hearing are intended to ensure the efficient administration of justice and the  
15 orderly presentation of any Class Member’s objection to the Settlement, in accordance with the due  
16 process rights of all Class Members. Class Members are permitted to appear at the Final Approval  
17 Hearing and object to the Settlement even if they do not submit written objections.

18 10. The Court directs the Settlement Administrator to send the Class Notice to the Class  
19 Members via first-class U.S. Mail in accordance with the terms of the Settlement.

20 11. The Class Notice shall provide 60 days’ notice from the date of initial mailing for  
21 Class Members to opt out of the Settlement or object to the Settlement. The Class Notice shall provide  
22 60 days’ notice from the date of initial mailing for Class Members and/or Aggrieved Employees to  
23 challenge the calculation of their Workweeks and/or PAGA Pay Periods.

24 12. The Final Approval Hearing on whether the Settlement should be finally approved as  
25 fair, reasonable, and adequate is set for ~~FBI FC~~, 2024 at ~~JKC~~ a.m. / ~~p.m.~~ in Department 23.

26 13. At the Final Approval Hearing, the Court will consider: (a) whether to certify this  
27 action and Settlement Class as a class action under California Code of Civil Procedure § 382 for  
28 purposes of settlement only; (b) whether dissemination of the Class Notice was accomplished as

1 directed and met the requirements of due process; (c) whether the Settlement should be finally  
2 approved as fair, reasonable, and adequate; (d) whether Plaintiff's application for his service award  
3 should be granted; (e) whether Class Counsel's application for attorneys' fees and costs should be  
4 granted; (f) whether to direct distribution of the Settlement funds in accordance with the Settlement  
5 Agreement; (g) whether to dismiss this action finally, fully, forever, and with prejudice and in full  
6 and final discharge of any and all Released Class Claims and Released PAGA Claims, as set forth in  
7 the Settlement; (h) whether to enter a Final Judgment; and (i) whether to retain continuing jurisdiction  
8 over this action for purposes only of overseeing all settlement administration matters.

9 14. Counsel for the parties shall file memoranda, declarations, and other materials in  
10 support of their request for final approval of the Settlement, attorneys' fees and costs, Plaintiffs'  
11 service awards, and settlement administration costs prior to the Final Approval Hearing according to  
12 the time limits set by the Code of Civil Procedure and the California Rules of Court and as set forth  
13 in the Settlement.

14 15. Administration of the Settlement shall proceed according to the schedule set forth in  
15 Plaintiff's Notice of Motion and Motion for Preliminary Approval of Class Action and PAGA  
16 Settlement.

17 16. Pending the Final Approval Hearing, all proceedings in this action, other than  
18 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this  
19 Order, are hereby stayed, and all deadlines are vacated.

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

23 **IT IS SO ORDERED.**

24 Dated: 08/26/2024



25 *Jill Talley*

26 HON. JILL H. TALLEY  
27 JUDGE OF THE SUPERIOR COURT