

[PROPOSED] ORDER

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2 The Notice of Motion and Motion for Preliminary Approval of Class Action Settlement
3 and Provisional Certification of the Settlement Class (the “Motion”) was submitted on June 20,
4 2024. The Court has considered the Motion, the Class Action and PAGA Representative Action
5 Settlement Agreement (the “Settlement Agreement”), the proposed Notice of Settlement, the
6 Declarations of David E. Mastagni, Nathan D. Alder, Julie Green, Dan Goldthorpe, James
7 Donovan, Chris Bennett, James Isherwood, and David Vincent, and the exhibits thereto, all other
8 papers filed in this action, and evidence presented at the hearing on the Motion. The matter
9 having been submitted and good cause appearing therefore, the Court hereby finds and
10 **ORDERS** that:

11 1. Preliminary Approval of the Class Action Settlement is granted. All defined terms
12 contained in this Order shall have the same meanings as those set forth in the Settlement
13 Agreement executed by the Parties and filed with this Court as Exhibit 1 to the Declaration of
14 David E. Mastagni;

15 2. The Settlement Agreement and the Amendment to Settlement Agreement is fair
16 and reasonable, and within the requirements for preliminary approval, based upon: (1) the arms-
17 length and informed negotiations between the Parties and their counsel; (2) the total amount of
18 the Settlement; (3) the allocation of the amounts within the Settlement Agreement for attorneys’
19 fees, litigation expenses, service awards, settlement administration fees, PAGA payments, and
20 Class Member payments; and (4) the Notice Plan in the Settlement Agreement;

21 3. For purposes of the Settlement, the Court finds that the proposed settlement Class
22 is ascertainable and that there is a sufficiently well-defined community of interest among the
23 Class in questions of law and fact; the Class is provisionally certified;

24 4. For purposes of the Settlement, Plaintiffs Dan Goldthorpe, James Donovan, Chris
25 Bennett, James Isherwood, and David Vincent are designated as Class Representatives;

26 5. For purposes of the Settlement, Mastagni Holstedt, A.P.C. and Christensen &
27 Jensen are appointed as Class Counsel;

28 6. Apex Class Action LLC is hereby approved as the Settlement Administrator and

1 is authorized to administer the Settlement pursuant to the terms of the Settlement Agreement;


2 7. The Court hereby approves the Notice of Settlement, attached as Exhibit A to the
3 Settlement Agreement. The Notice of Settlement will be emailed and mailed to all Class
4 Members at their last known addresses based upon the address search methods specified in the
5 Settlement Agreement; and for returned envelopes, the Settlement Administrator will use
6 reasonable diligence to obtain a current address for the Class Member, as provided in the
7 Settlement Agreement, and re-mail the Notice of Settlement. This Notice Plan provides the best
8 notice practical under the circumstances;

9 8. Class Members will have forty-five (45) days after the date that the Notice of
10 Settlement was first mailed to the Class Members to opt-out of the Settlement or object to the
11 Settlement, pursuant to the procedures set forth in the Settlement Agreement and the Notice of
12 Settlement. Class Members who do not timely exclude themselves from the Settlement will be
13 deemed to be participating Class Members bound by the terms of the Settlement Agreement; and

14 9. The Final Fairness and Approval Hearing and the hearing on Plaintiffs' Motion
15 for Attorneys' Fees, Litigation Costs, and Service Awards, shall be held before this Court on
16 December 5 at 2:00 p.m., and the Motion for Final Approval and the Motion for Attorneys'
17 Fees, Litigation Costs, and Service Awards shall be filed at least 14 days before the deadline to
18 opt-out of or object to the Settlement.

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20 **IT IS SO ORDERED.**

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23 Date: September 11, 2024

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26 Hon. Vince Chhabria
27 United States District Judge
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