

**FILED**

San Francisco County Superior Court

SEP 05 2024

CLERK OF THE COURT  
BY: Atalia Eche  
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
DEPARTMENT 304

GIOVONNIE SMITH, as an individual and on  
behalf of others similarly situated,

Plaintiff,

vs.

PETRA LIVING, INC., a Delaware  
Corporation d/b/a Oliver Space, and DOES 1  
through 80, Inclusive,

Defendants.

Case No.: CGC-22-599900

ORDER GRANTING MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT

Plaintiff Giovonnie Smith (“Plaintiff”) and Defendant Petra Living, Inc. (“Defendant”) (collectively, the “Parties”) have reached terms of settlement for a putative class and representative action. The Court, having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, the memorandum of points and authorities in support thereof and

1 supporting evidence, and Plaintiff's supplemental briefing, hereby ORDERS, ADJUDGES AND  
2 DECREES as follows:

3 1. The Motion for Preliminary Approval is GRANTED and the Parties' Second  
4 Amended Stipulation of Class Action Settlement and Release Between Plaintiff, on Behalf of  
5 Himself and All Others Similarly Situated, and Defendant (the "Settlement Agreement"), attached  
6 as Exhibit G to the Third Supplemental Declaration of Jennifer Kramer filed on August 27, 2024,  
7 is preliminarily approved.

8 2. This Order incorporates by reference the definitions in the Settlement Agreement  
9 and all terms defined therein shall have the same meaning in this Order.

10 3. The settlement contemplated by the Settlement Agreement is preliminarily  
11 approved based upon the terms set forth in the Settlement Agreement. The Settlement Agreement  
12 appears to be fair, adequate, and reasonable to the Class. The Settlement Agreement falls within  
13 the range of final approval and appears to be presumptively valid, subject to any objections that  
14 may be raised at the final approval hearing before this Court.

15 4. The following Settlement Class is preliminarily certified for settlement purposes  
16 only: all current and former non-exempt drivers and drivers' assistants employed by Defendant  
17 in the State of California who worked for Defendant during the Class Period, but excluding those  
18 individuals who provided Defendant a release of claims.

19 5. Should the settlement not become final, the fact that the Parties were willing to  
20 stipulate to class certification as part of the settlement shall have no bearing on, nor be admissible  
21 in connection with, the issue of whether a class should be certified in a non-settlement context.

22 6. Jennifer Kramer of Hennig Kramer Ruiz & Singh, LLP, and Angel Horacek of  
23 Law Offices of Angel J. Horacek are conditionally approved as Class Counsel. The Court  
24 preliminarily finds that Class Counsel will represent the interests of the Settlement Class fairly  
25 and adequately in accordance with Code of Civil Procedure section 382. Class Counsel is  
26 authorized to act on behalf of the Class with respect to all acts or consents required by or which  
27 may be given pursuant to the Settlement Agreement and such other acts reasonably necessary to  
28 consummate the settlement.

1           7.       Plaintiff Giovonnie Smith is hereby conditionally appointed to serve as the class  
2 representative. The Court preliminarily finds that Plaintiff will adequately represent the  
3 Settlement Class in accordance with Code of Civil Procedure section 382 for settlement purposes.

4           8.       The Court hereby confirms APEX Settlement Administrators as the Settlement  
5 Administrator. The Settlement Administrator is authorized to perform such acts as set forth in  
6 this Order and the Settlement Agreement.

7           9.       The Court hereby approves as to form and content the “Notice of Class Action  
8 Settlement and Hearing Date for Final Court Approval” (“Notice”). A true and correct copy of  
9 the Notice is attached as Exhibit F to the Second Supplemental Declaration of Jennifer Kramer  
10 filed on June 26, 2024.

11          10.       The Court also hereby approves the procedure for Settlement Class Members to  
12 participate in, opt out of, and object to the Settlement Agreement as set forth in the Settlement  
13 Agreement and Notice.

14          11.       The Court directs the dissemination of Notice by first-class mail and by email,  
15 where email addresses are available, to the Settlement Class in accordance with the schedule set  
16 forth below. The Court finds the notice process as set forth in the Settlement Agreement meets  
17 the requirements of due process, provides the best notice practicable under the circumstances, and  
18 shall constitute due and sufficient notice to all persons entitled thereto.

19          12.       The Court orders the following schedule for further proceedings:

- 20           a.       Deadline for Defendant to Provide the Class List to APEX: within 21 calendar  
21           days of this Order;
- 22           b.       Deadline for APEX to Mail the Notice: within 15 calendar days of receiving the  
23           Class data from Defendant;
- 24           c.       Deadline for Settlement Class Members to Postmark Opt-Out Request or File  
25           Objection: no later than 45 calendar days after Notice is mailed;
- 26           d.       Deadline for Settlement Class Counsel to File a Motion for Final Approval and  
27           Attorney Fees: no later than 16 court days prior to the Final Approval hearing;
- 28           e.       Final Settlement Approval Hearing: January 29, 2025 at 9:00 a.m.

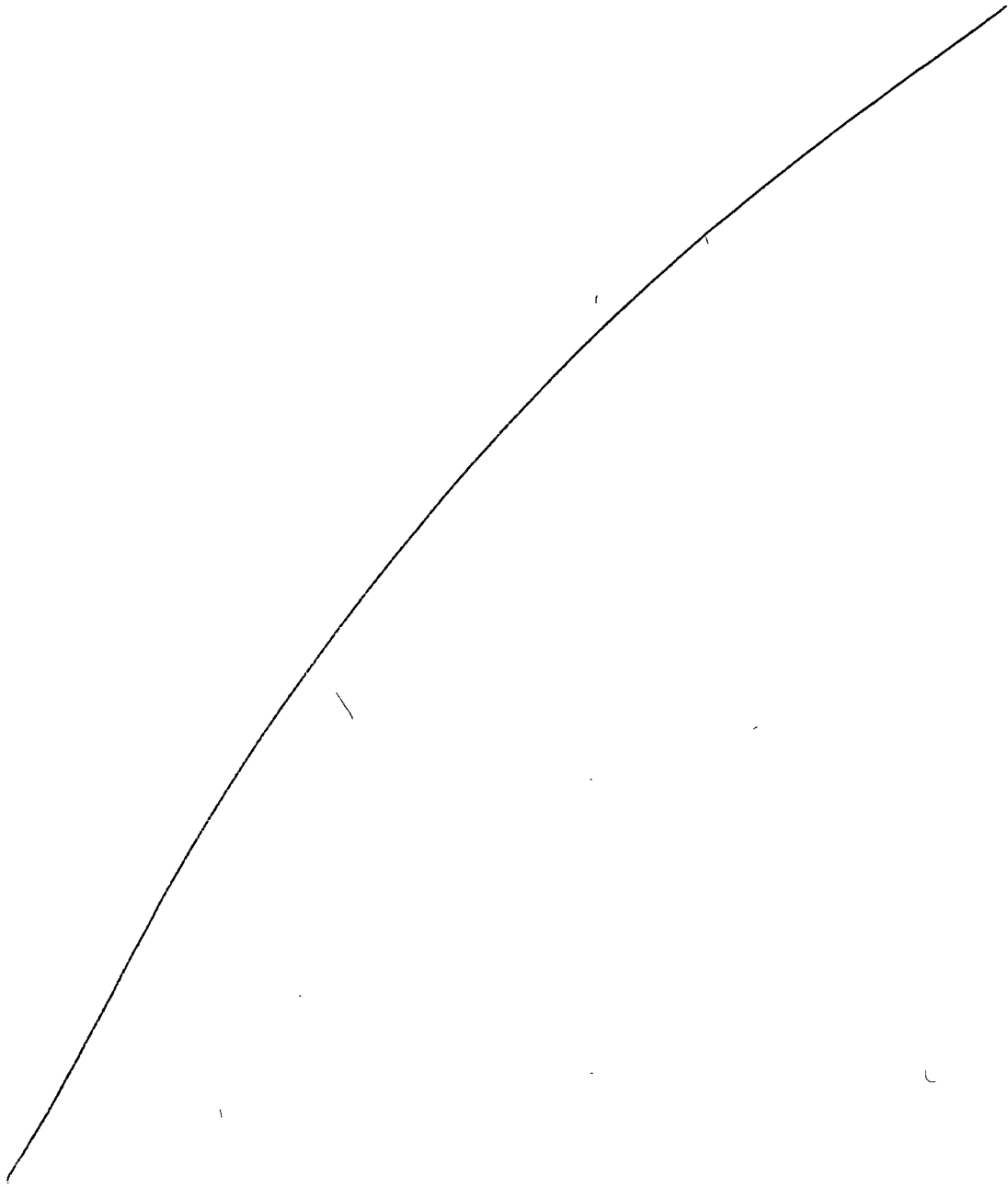
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IT IS SO ORDERED.

Dated: September 5, 2024



Ethan P. Schulman  
Judge of The Superior Court



**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, Felicia Green, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On September 5, 2024, I electronically served ORDER CONTINUING PLAINTIFF'S MOTION FOR (1) CERTIFICATION OF A SETTLEMENT CLASS; (2) PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT; (3) APPROVAL OF NOTICE AND NOTICE DISSEMINATION PLAN; AND (4) APPROVAL OF A SCHEDULE FOR THE FINAL APPROVAL PROCESS via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **SEP 05 2024**

Brandon E. Riley, Court Executive Officer

By:   
Felicia Green, Deputy Clerk