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

MICHAEL PEREIRA, individually, and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

RODE MICROPHONES, LLC, a limited liability  
company; and DOES 1 through 10, inclusive,

*Defendants.*

**FILED**  
Superior Court of California  
County of Los Angeles  
03/10/2025  
David W. Stryker, Executive Officer/Clerk of Court  
By: I. Yin Deputy

Case No.: 23STCV17940

**CLASS & REPRESENTATIVE ACTION**

*[Assigned for all purposes to: Hon. William  
F. Highberger, Dept. 10]*

**[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 Molly DeSario, and the  
Declaration of Michael Pereira]*

**PRELIMINARY APPROVAL HEARING**

Date: March 10, 2025

Time: 10:30 a.m.

Dept: 10

Complaint filed: July 31, 2023

FAC filed: July 3, 2024

Trial date: Not set

1 The Court has before it Plaintiff Michael Pereira'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 Molly DeSario, the Class Action and PAGA  
4 Settlement Agreement and Class Notice (which is referred to here as the "Settlement  
5 Agreement"), 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 Michael Pereira and Defendant  
10 Rode Microphones, LLC ("Defendant"), attached to the Declaration of Molly DeSario in  
11 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 Defendant has agreed to create a common fund of  
17 \$220,000.00 to cover (a) settlement payments to class members who do not validly opt out; (b)  
18 a \$20,000.00 payment to the State of California, Labor & Workforce Development Agency for  
19 its share of the settlement of claims for penalties under the Private Attorneys General Act, with  
20 75% of which (\$15,000.00) will be paid to the LWDA and 25% (\$5,000.00) will be paid to  
21 eligible Aggrieved Employees; (c) Class Representative service payment of up to ~~\$10,000.00~~  
22 for Plaintiff Michael Pereira; (d) Class Counsel's attorneys' fees, not to exceed 33 1/3% of the  
23 Gross Settlement Amount (\$73,333.33), and up to \$20,000.00 in costs for actual litigation  
24 expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to  
25 ~~\$15,000.00~~.

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

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

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

16 5. The Court provisionally certifies for settlement purposes only the following class  
17 (the "Settlement Class"): "all persons employed by Defendant in California and classified as  
18 hourly-paid or non-exempt employees who worked for Defendant during the Class Period."

19 6. "Class Period" means the period from February 3, 2019 to July 14, 2024.

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

28 8. The Court appoints as Class Representative, for settlement purposes only,

Plaintiff Michael Pereira. The Court further preliminarily approves Plaintiff's ability to request an incentive award up to \$10,000.00.

9. The Court appoints, for settlement purposes only, Molly DeSario, Arsiné Grigoryan and Dorota James of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-third of the Total Settlement Amount (\$73,333.33), and costs not to exceed \$20,000.00.

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

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

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

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

14. The Court orders the following Implementation Schedule:


|  |   |
|--|---|
| Defendants to provide Class List to the Settlement Administrator | 14 days after notice of entry of the Court's order granting Motion for Preliminary Approval |
| Settlement Administrator to mail the Notice Packets              | 14 days after receipt of the Class List from the Defendant                                  |
| Response Deadline  | 60 days after Notice is mailed out by the Settlement Administrator                          |
| Deadline to Provide Written Objections, if                       | 60 days after Notice is mailed out by the   |

|   |  |
|---|--|
| any   | Settlement Administrator   |
| 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>1 00 00</u> ;   |
| Final Approval Hearing  | <u>1 00 00</u> at <u>FKHÁ</u> <del>a.m.</del> /p.m., or first available date thereafter, in Department 10. The hearing may be continued to another date without further notice to the Class Members. |

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

**IT IS SO ORDERED.**

DATE: 03/10/2025

  
 Hon. William F. Highberger  
 Los Angeles County Superior Court

**PROOF OF SERVICE**

*Michael Pereira v. Rode Microphones, LLC*  
23STCV17940

STATE OF CALIFORNIA            )  
  ) ss  
COUNTY OF LOS ANGELES    )

I, Dariane Rose, 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<sup>th</sup> Floor, Los Angeles, California 90010. My electronic service address is [dariane.rose@wilshirelawfirm.com](mailto:dariane.rose@wilshirelawfirm.com).

On January 30, 2025, I served the foregoing **DECLARATION OF PLAINTIFF MICHAEL PEREIRA IN SUPPORT OF PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by the following method of service:

Carol Gefis (SBN 147814)

[cgefis@aalrr.com](mailto:cgefis@aalrr.com)

Joshua D. Carlon (SBN 263838)

[joshua.carlon@aalrr.com](mailto:joshua.carlon@aalrr.com)

**ATKINSON, ANDELSON, LOYA, RUUD & ROMO**

201 S. Lake Ave., Suite 300

Pasadena, CA 91101

Telephone: (625) 583-8600

*Attorneys for Defendant*

(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 the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on January 30, 2025, at Los Angeles, California.

  
Dariane Rose