

MELMED LAW GROUP P.C.
Jonathan Melmed (SBN 290218)
jm@melmedlaw.com
Laura Supanich (SBN 314805)
lms@melmedlaw.com
Rebecca Harteker (SBN 349793)
rh@melmedlaw.com
1801 Century Park East, Suite 850
Los Angeles, California 90067
Phone: (310) 824-3828
Fax: (310) 862-6851

RECEIVED
November 19, 2024

FILED
Clerk of the Superior Court

JUN 06 2025

By: R. Day, Deputy

LAWYERS FOR EMPLOYEE AND CONSUMER RIGHTS
Peter Horton (SBN 227678)
phorton@lfecr.com
3500 West Olive Avenue, Third Floor
Burbank, California 91505
Phone: (323) 720-8335

Attorneys for Plaintiffs, the Putative Class, and the Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

RYAN BATORICK, an individual, on behalf of
himself, the State of California, as a private
attorney general, and on behalf of all others
similarly situated,

Plaintiff,

v.

SUPERIOR FLOOD RESTORATION, INC., a
California Corporation; and DOES 1 TO 50,

Defendants.

Case Number: 37-2023-00053892-CU-OE-CTL

~~[Proposed]~~ **Order Granting Preliminary
Approval of Class Action Settlement**

Hearing Date: December 13, 2024
Hearing Time: 9:00 a.m.
Dept.: C-73
Judge: Hon. Joel R. Wohlfeil

Complaint Filed: December 12, 2023
Trial Date: July 18, 2025

~~[PROPOSED]~~ ORDER

This matter came for hearing on December 13, 2024, at 9:00 a.m., regarding Plaintiff's unopposed *Motion for Preliminary Approval of Class Action Settlement* (the "Motion") on the terms set forth in the parties' *Settlement Agreement and Release of Class Action* (the "Settlement Agreement") attached as **Exhibit A** to the concurrently filed *Declaration of Jonathan Melmed in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement*. Having considered the Settlement Agreement, all papers and proceedings held herein, and having reviewed the entire record in this action, the Court hereby finds and orders:

1. The Court grants Plaintiff leave file the overlength brief attached to the Motion.

2. All terms used in this order shall have the same meaning as defined in the Motion.

3. The Court grants preliminary approval of the Settlement Agreement and the "Class" (as that term is defined in the Motion) based on the terms set forth in the Settlement Agreement, *as modified to be consistent with Exh 2 to the second supplemental declaration of Attorney Melmed (pg # 32).*

4. The resolution set forth in the Settlement Agreement appears to be fair, adequate, and reasonable to the Class, including the payment of the non-reversionary gross settlement amount of **\$150,000.00** ("Gross Settlement Amount") by Defendant.

5. The Settlement Agreement, including the Gross Settlement Amount, falls within the range of reasonableness and is presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.

6. A final fairness hearing on the question of whether the proposed Settlement Agreement, the attorneys' fees and costs to Plaintiff's counsel, and Plaintiff's service award should be finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled in this department on the date and time set forth in the implementation schedule below.

7. This Court approves, as to form and content, the proposed class notice attached as **Exhibit 1** to the Settlement Agreement ("Class Notice") to be distributed to the Class Members pursuant to the Settlement Agreement in substantially the same form. The Court approves the procedure for Class Members to participate in, to opt out of, and to object to the settlement as set forth in the Settlement Agreement.

1 8. The Court directs the mailing of the Class Notice by first class mail to the Class
2 Members in accordance with the implementation schedule set forth below. The Court finds the dates
3 selected for the mailing and distribution of the Class Notice, as set forth in the implementation schedule,
4 meet the requirements of due process and constitute the best notice practicable under the circumstances
5 and due and sufficient notice to all persons entitled thereto.

6 9. The Court preliminarily certifies the Class, as defined in the Motion, for settlement
7 purposes.

8 10. The Court confirms Plaintiff Ryan Batorick ("Plaintiff") as class representative.

9 11. The court confirms Jonathan Melmed, Laura Supanich, and Rebecca Harteker of
10 Melmed Law Group P.C. as class counsel.

11 12. The Court appoints Apex Class Action Administration as the settlement administrator.

12 13. To facilitate administration of the Settlement Agreement pending final approval, the
13 court hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits, or
14 administrative proceedings (including filing claims with the Division of Labor Standards Enforcement
15 of the California Department of Industrial Relations) regarding the claims to be released by the
16 Settlement Agreement, unless and until such Class Members have filed valid requests for exclusion
17 with the Settlement Administrator and the time for filing claims with the Settlement Administrator has
18 elapsed.

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

20

| | | | |
|----|----|---|---|
| 21 | a. | Deadline for Defendant to Submit Class List to the Settlement Administrator | [Within fourteen (14) calendar days of this order.] |
| 22 | b. | Deadline for Settlement Administrator to Mail Notice Packets to all Class Members | [Within twenty-eight (28) calendar days of Preliminary Approval.] |
| 23 | c. | Deadline for Class Members to Postmark Workweeks Challenges | [Within forty-five (45) days after mailing of the Class Notice.] |
| 24 | d. | Deadline for Class Members to Postmark Requests for Exclusion | [Within forty-five (45) days after mailing of the Class Notice.] |
| 25 | e. | Deadline for Class Members to Submit Any Objections to Settlement | [Within forty-five (45) days after mailing of the Class Notice.] |
| 26 | | | |
| 27 | | | |
| 28 | | | |

| | | | |
|---|----|--|---|
| 1 | f. | Deadline for Settlement Administrator to Provide Class Counsel with Declaration of Due Diligence | [At least thirty (30) calendar days prior to the deadline for Plaintiff's motion for final approval to be filed.] |
| 2 | | | |
| 3 | f | Final Approval and Fairness Hearing | <u>11-14-25</u> , 2023 |
| 4 | | | at <u>9:00</u> a.m./p.m. [Any date on or after |
| 5 | | | Wednesday, April 16, 2025.] |

6

7 15. If any of the dates in this implementation schedule fall on a weekend, bank or court

8 holiday, the time to act shall be extended to the next business day.

9 **IT IS SO ORDERED.**

10

11 Dated: 6-5-25

12 
HON. JOEL R. WOHLFEIL

13 Judge of the Superior Court, County of San Diego

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28