



1 attached thereto (hereafter collectively, the “Settlement” or “Settlement Agreement”); having  
2 considered the Motion for Preliminary Approval of Class Action Settlement filed by the parties;  
3 having considered the respective points and authorities and declarations submitted by the parties in  
4 support thereof; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

5 The Court grants preliminary approval of the settlement as set forth in the Settlement and  
6 finds the terms to be within the range of reasonableness of a settlement that ultimately could be  
7 granted approval by the Court at the Final Fairness Hearing. For purposes of the Settlement, the  
8 Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-  
9 defined community of interest among the Class in questions of law and fact. Therefore, for  
10 settlement purposes only, the Court grants conditional certification of the following “Class” defined  
11 as follows:

12 A person employed by Defendant in California and classified as an hourly, non-exempt  
13 employee who worked for Defendant during the Class Period.

14 1. The “Class Period” is the period from September 1, 2022, through July 23, 2024.

15 2. For purposes of settlement, the Court further designates named Plaintiff Octavio  
16 Garcia as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., James Clark,  
17 Esq., and Malcolm E. Clayton, Esq. of Lavi & Ebrahimian, LLP, as Class Counsel.

18 3. The Court appoints Apex Class Action Administration as the Settlement  
19 Administrator.

20 4. A final fairness hearing on the question of whether the proposed settlement should  
21 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in  
22 Department 10 of this Court, located at 312 N. Spring Street, Los Angeles, CA 90012, on  
23 ~~February 10, 2025~~, 2025, at ~~10:00~~ a.m./p.m.

24 5. At the final fairness hearing, the Court will consider: (a) whether the settlement  
25 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting  
26 approval of the settlement should be entered; and (c) whether Plaintiff’s application for an award of  
27 Class Counsel Fees, Class Counsel Expenses, and Class Representative Service Payment should be  
28 granted.

1           6. Counsel for the parties shall file memoranda, declarations, or other statements and  
2 materials in support of their request for final approval by no later than 16 court days prior to the  
3 final fairness hearing.

4           7. Class Counsel shall file a motion for an award of Class Counsel Fees, Class  
5 Counsel Expenses, and Class Representative Service Payment by no later than 16 court days prior  
6 to the final fairness hearing.

7           8. The Court approves, as to form and content, the Class Notice which is attached to  
8 the Settlement as Exhibit A.

9           9. No later than twenty-one (21) calendar days following the date the Court enters this  
10 order, Defendant shall provide the following information to the Settlement Administrator: Class  
11 Member identifying information in Defendant's possession including the Class Member's name,  
12 last-known mailing address, Social Security number, and number of Class Period Workweeks and  
13 PAGA Pay Periods ("Class Data").

14           10. No later than fourteen (14) calendar days after receiving the Class Data, the  
15 Settlement Administrator shall disseminate the Class Notice to all the Class Members identified in  
16 the Class Data by first-class U.S. Mail.

17           11. Class Members shall have sixty (60) calendar days from the date the Settlement  
18 Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion  
19 from the Settlement or fax, email, or mail an Objection to the Settlement ("Response Deadline").  
20 Class Members to whom Notice Packets are resent after having been returned undeliverable to the  
21 Administrator shall have an additional fourteen (14) calendar days beyond the Response Deadline  
22 has expired.

23           12. The Court finds that the forms of Class Notice to the Class regarding the pendency  
24 of the action and of this settlement, and the methods of giving notice to members of the  
25 Settlement Class constitute the best notice practicable under the circumstances and constitute  
26 valid, due, and sufficient notice to all members of the Class. They comply fully with the  
27 requirements of California Code of Civil Procedure section 382, California Civil Code section  
28

1 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,  
2 and other applicable law.

3 13. The Court further approves the procedures for Class Members to participate in, opt  
4 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

5 14. Class Members who wish to exclude themselves (opt-out of) the Class Settlement  
6 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not  
7 later than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for  
8 Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter from a Class  
9 Member or his/her representative that reasonably communicates the Class Member's election to  
10 be excluded from the Settlement and includes the Class Member's name, address and email  
11 address or telephone number. To be valid, a Request for Exclusion must be timely faxed, emailed,  
12 or postmarked by the Response Deadline.

13 15. Participating Class Members may send written objections to the Administrator, by  
14 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire  
15 an attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A  
16 Participating Class Member who elects to send a written objection to the Administrator must do  
17 so not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional  
18 14 days for Class Members whose Class Notice was re-mailed).

19 16. Pending the Fairness Hearing, all proceedings in this action, other than proceedings  
20 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this  
21 Order, are stayed.

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

25 18. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendant to provide the Settlement Administrator the Class Database	21 calendar days after the Court's entry of this Order
Notice Date: last day for Administrator to mail	14 calendar days after receipt of the Class Data

Class Notice to Class Members.	
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections	60 calendar days after the date of mailing of the Class Notice
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 calendar days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 calendar days prior to the final fairness hearing
Last day for the Parties to respond to Objections	10 calendar days prior to the final fairness hearing
Hearing on final approval of class action settlement.	<del>10 calendar days prior to the final fairness hearing</del>

19. The Fairness Hearing and related prior deadlines set forth above may, from time to time and without further notice to the Class (except those who have filed timely and valid objections), be continued or adjourned by Order of the Court.

**IT IS SO ORDERED.**

Dated: 08/08/2025

  
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 Hon. Judge William F. Highberger  
 Judge of the Superior Court