

Electronically Received 03/13/2025 09:26 AM

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FILED
Superior Court of California
County of Los Angeles
05/09/2025
David W. Styrba, Executive Officer / Clerk of Court
By: E. Muñoz Deputy

6 Attorneys for Plaintiffs and the proposed class

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

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13 JAMES SARAMI; DOUGLAS STUMVOLL;
14 ANDREY TARASOV, as individuals, on
behalf of themselves and others similarly
situated,

15 **PLAINTIFFS,**

16 v.

17 TEND EXCHANGE SUBSIDIARY, LLC;
18 TEND EXCHANGE, INC. & DELAWARE
19 TENDER STAFFING, LLC; and DOES 1
thru 50, inclusive,

20 **DEFENDANTS.**

CASE NO. 23STCV02139

[Case Assigned for All Purposes to Hon.
William F. Highberger in Dept. 10]

~~**[PROPOSED] AMENDED ORDER**~~
**GRANTING AMENDED MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: May 9, 2025
Time: 10:30 AM
Dept.: 10

Complaint Filed: January 31, 2023
Trial Date: None Set

1 **PROPOSED AMENDED ORDER**

2 The Amended Motion for Preliminary Approval of the Class Settlement came before this
3 Court on May 9, 2025, the Honorable William F. Highberger, presiding. The Court, having
4 considered the papers submitted in support of the motion of the parties, **HEREBY ORDERS THE**
5 **FOLLOWING:**

6 1. The Court grants preliminary approval of the proposed settlement based upon the
7 terms set forth in the Class Action and PAGA Settlement Agreement (“Agreement”) filed
8 herewith. The Agreement appears to be fair, adequate, and reasonable to the Class. The Court
9 finds that: (a) the Agreement resulted from extensive arm’s length negotiations; and (b) the
10 Agreement is sufficient to warrant notice of the Agreement to persons in the Class and a full
11 hearing regarding final approval of the Agreement.

12 2. For purposes of this Order, the proposed Class is defined as follows: “all current
13 and former non-exempt California employees or 1099 workers of Defendants between July 31,
14 2020, and December 31, 2023” (“Class Members” or “Class”)

15 3. The Class Period is July 31, 2020, through December 31, 2023.

16 4. For purposes of this Order, the aggrieved employees are defined as follows: “all
17 current and former non-exempt California employees or 1099 workers of Defendants between
18 January 31, 2022 and December 31, 2023.” (“Aggrieved Employees”)

19 5. The PAGA Period is January 31, 2022 through December 31, 2023.

20 6. The Agreement falls within the range of reasonableness and appears to be
21 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
22 and final approval by this Court.

23 7. The Court makes the following preliminary findings for settlement purposes only:

24 A. The Class, which consists of approximately 13,000 persons, is so numerous
25 that joinder of all members is impracticable;

26 B. There appear to be questions of law or fact common to the Class for purposes
27 of determining whether this Settlement should be approved;

28 C. Plaintiff’s claims appear to be typical of the claims being resolved through

1 the proposed settlement;

2 D. Plaintiff appears to be capable of fairly and adequately protecting the
3 interests of the Class Members in connection with the proposed settlement;

4 E. Common questions of law and fact appear to predominate over questions
5 affecting only individual persons in the Class. Accordingly, the Class
6 appears to be sufficiently cohesive to warrant settlement by representation;
7 and

8 F. Certification of the Class appears to be superior to other available methods
9 for the fair and efficient resolution of the claims of the Class.

10 8. The Court approves, as to form and content, the Notice of Class Action Settlement
11 to Class Members in substantially the form attached to the Agreement as Exhibit "A".

12 9. The Court approves the procedure for Class Members to opt out to the Agreement
13 as set forth in the Agreement and the Notice of Class Action Settlement.

14 10. The Court approves the procedure for Class Members to object to the Agreement
15 as set forth in the Agreement and the Notice of Class Action Settlement.

16 11. The Court directs the mailing of the Notice of Class Action Settlement and related
17 documents to members of the Class by first class mail in accordance with the Agreement and the
18 implementation schedule set forth below. The Court finds that the dates selected for the mailing
19 and distribution of the notice, as set forth in the following implementation schedule, meet the
20 requirements of due process and provide the best notice practicable under the circumstances and
21 shall constitute due and sufficient notice to all persons entitled thereto.

22 12. It is ordered that the Settlement Class is preliminarily certified for settlement
23 purposes only.

24 13. The Court confirms Eric B. Kingsley and Kelsey M. Szamet of KINGSLEY
25 SZAMET EMPLOYMENT LAWYERS as Class Counsel.

26 14. The Court confirms Douglas Stumvoll, and Andrey Tarasov as Class
27 Representatives.

28 15. The Court approves Apex Class Action LLC as the Administrator.

16. The Court orders that pursuant to the California Private Attorneys General Act,

Labor Code §§ 2698, et seq. (“PAGA”), statutory notice of this Agreement has been and will continue to be given to the Labor & Workforce Development Agency.

17. A final fairness hearing on the question of whether the proposed Agreement, attorneys’ fees and costs to Class Counsel, the PAGA payment, and the claims administration costs should be finally approved as fair, adequate, and reasonable as to the members of the Class is scheduled for JED E at FEAE E (Pacific Time), in Department 10.

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

a.	Preliminary Approval Granted	
b.	Deadline for Defendant to Provide Class Members’ Information to Administrator	15 calendar days from Entry of Preliminary Approval
c.	Administrator Shall Mail Notice to Class Members	14 calendar days from receipt of the Class List from Defendant
d.	Deadline for Postmark of Any Request for Exclusion	60 Days from Mailing of Notices
e.	Deadline for Postmark of Any Objection	60 Days from Mailing of Notices
f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	To be determined by the Court <u>JED E</u>
g.	Deadline for Class Counsel to file Motion for Attorneys’ Fees	To be determined by the Court <u>JED E</u>
h.	Final Approval Hearing	<u>JED E O AE E</u>

19. IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the “Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the subject of this Order shall become null, void, unenforceable and inadmissible in any judicial,

1 administrative or arbitral proceeding for any purpose, and all evidence, court orders and
2 proceedings had in connection therewith, shall be without prejudice to the status quo ante rights
3 of the Parties to the litigation, as more specifically set forth in the Agreement.

4 20. IT IS FURTHER ORDERED that, pending further Order of this Court, all
5 proceedings in this matter except those contemplated herein and in the Agreement are hereby
6 stayed.

7 21. The Court expressly reserves the right to adjourn or continue the Final Fairness
8 Hearing from time to time without further notice to members of the Class.

9
10 DATED: 05/09/2025



William F. Highberger

11 JUDGE OF THE SUPERIOR COURT
12 William F. Highberger, Judge

(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On March 13, 2025 I served all interested parties in this action the following documents described as: **[PROPOSED] AMENDED ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

OGLETREE DEAKINS

Isabella B. Urrea
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COZEN O'CONNOR

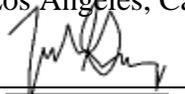
Ethan Chernin
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Los Angeles, CA 90017

[XX] BY ELECTRONIC MAIL THROUGH CASE ANYWHERE: On interested parties set forth on the attached service list.

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 13, 2025 at Los Angeles, California.



Taylor Gregg

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