


1 **KINGSLEY & KINGSLEY, APC**  
ERIC B. KINGSLEY, Esq. (SBN 185123)  
2 eric@kingsleykingsley.com  
KELSEY M. SZAMET, Esq. (SBN 260264)  
3 kelsey@kingsleykingsley.com  
16133 Ventura Blvd., Suite 1200  
4 Encino, CA 91436  
(818) 990-8300, Fax (818) 990-2903

5 Attorneys for Plaintiff and the Proposed Class

**FILED**  
San Francisco County Superior Court

APR 12 2021

CLERK OF THE COURT  
BY:   
Deputy Clerk

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF SAN FRANCISCO**

10 ADINA MEZA an individual, on behalf of  
11 herself and others similarly situated

12 PLAINTIFF,

13 v.

14 TRACKIN, CO.; and DOES 1 thru 50,  
inclusive,

15 DEFENDANTS.

CASE NO. CGC-19-573185

[Case Assigned for All Purposes to Hon. Garrett  
L. Wong, in Dept. 610]

~~PROPOSED~~ ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT

Apr: 12  
Date: ~~March 16~~, 2021  
Time: 9:30 a.m.  
Dept.: 302

Trial Date: None Set  
Complaint Filed: January 25, 2019  
FAC Filed: April 2, 2019

1 The Second Motion for Preliminary Approval of the Class Settlement came before this  
2 Court, the Honorable Garrett L. Wong, presiding. The Court, having considered the papers  
3 submitted in support of the motion of the parties, **HEREBY ORDERS THE FOLLOWING:**

4 1. The Court grants preliminary approval of the proposed settlement based upon the  
5 terms set forth in the Class Action Settlement Agreement and Release of Claims (“Settlement  
6 Agreement” or “Settlement”) filed herewith. The Settlement appears to be fair, adequate, and  
7 reasonable to the Class.

8 2. For purposes of this Order, the Settlement Class is defined as follows:

9 All persons working as drivers for Trackin, Co. in the State of  
10 California since January 25, 2015 to September 7, 2019. (the  
“Class Period”) (the “Settlement Class”).

11 3. The Class Period is January 25, 2015 to September 7, 2019.

12 4. The Settlement falls within the range of reasonableness and appears to be  
13 presumptively valid, subject only to any objections that may be raised at the final fairness  
14 hearing and final approval by this Court.

15 5. A final fairness hearing on the question of whether the proposed Settlement,  
16 attorneys’ fees to Class Counsel, and the claims administration costs should be finally approved  
17 as fair, adequate, and reasonable as to the members of the Class is scheduled for  
18 Aug 24, 2021 at 9:30 a.m. (Pacific Time), in Department 302.

19 6. The Court approves, as to form and content, the Notice to Class Members in  
20 substantially the form attached to the Settlement Agreement as Exhibit “A”. The Court approves  
21 the procedure for Class Members to opt out and object to the Settlement as set forth in the  
22 Settlement Agreement and the Notice to Class Members.

23 7. The Court directs the mailing of the Notice and related documents to members of  
24 the Settlement Class in accordance with the Settlement Agreement and the Implementation  
25 Schedule set forth below. The Court finds that the dates selected for the mailing and distribution  
26 of the Notice, as set forth in the following Implementation Schedule, meet the requirements of  
27 due process and provide the best notice practicable under the circumstances and shall constitute  
28 due and sufficient notice to all persons entitled thereto.

1 8. It is ordered that the Settlement Class is preliminarily certified for settlement  
2 purposes only.

3 9. The Court confirms KINGSLEY & KINGSLEY, APC as Class Counsel.

4 10. The Court confirms ADINA MEZA as class representative.

5 11. The Court approves ILYM Group, Inc. as the Settlement Administrator.

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

7			
8	a.	Preliminary Approval Granted	<u>Apr. 12, 2021</u>
9	b.	Deadline for Defendant to Provide Settlement Class Members' Information to Settlement Administrator	7 calendar days from Entry of Preliminary Approval
10			
11	c.	Claims Administrator Shall Mail Notice to Class Members	15 calendar days from receipt of the Class List from Defendant
12			
13	d.	Deadline for Postmark of Any Request for Exclusion	45 Days from Mailing of Notices
14	e.	Deadline for Postmark of Any Objection	45 Days from Mailing of Notices
15			
16	f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	To be determined by the Court <u>July 26, 2021</u>
17			
18	g.	Deadline for Class Counsel to file Motion for Attorneys' Fees	To be determined by the Court <u>July 26, 2021</u>
19			
20	h.	Final Approval Hearing	<u>Aug 24, 2021</u>
21			

22 13. The Court expressly reserves the right to adjourn or continue the Final Fairness  
23 Hearing from time to time without further notice to members of the Settlement Class.

24 IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final  
25 Approval and Judgment, or if the Effective Date of Settlement, as defined in the Settlement  
26 Agreement, does not occur for any reason, the Settlement Agreement and the proposed  
27 Settlement that is the subject of this Order, and all evidence and proceedings had in connection  
28 therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation,

1 as more specifically set forth in the Settlement Agreement.

2 IT IS FURTHER ORDERED that, pending further Order of this Court, all proceedings in  
3 this matter except those contemplated herein and in the Settlement Agreement are hereby stayed.

4  
5  
6 DATED:

April 12, 2021

  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

**ETHAN P. SCHULMAN**

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28