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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 30 2021

DAVID H. YAMASAKI, Clerk of the Court

BY: _____ DEPUTY

[Additional counsel on following page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE – CIVIL COMPLEX CENTER

BRIDGET LIGGINS, ADRIENNE LIGGINS,
SANDRA ARIZMENDI, FRANISHA
BEASLEY, STEPHANIE RANDALL, and
D'ERICA WASHINGTON, individually and
on behalf of others similarly situated and
aggrieved

Plaintiffs,

v.

ESA MANAGEMENT, LLC, a Delaware
corporation; and DOES 2 through 50,
inclusive,

Defendants.

Case No. 20-2018-01005614-CU-OE-CXC

Assigned for All Purposes to Hon. James J.
Di Cesare, Dept. C16

~~REVISED [PROPOSED]~~ ORDER
GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

Date: April 30, 2021

Time: 9:30 a.m.

Place: Dept. C16

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20 Attorneys for Plaintiffs, the Class, and the Aggrieved Employee

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 Plaintiffs Bridget Liggins, Adrienne Liggins, Sandra Arizmendi, Franisha Beasley, and D'erica
3 Washington's ("Plaintiffs") Motion for Preliminary Approval of a Class Action Settlement came
4 before this Court, on April 30, 2021, the Honorable James J. Di Cesare presiding. The Court having
5 considered the papers submitted in support of the motion of the parties, HEREBY ORDERS THE
6 FOLLOWING:

7 1. The Court grants preliminary approval of the Settlement and the Settlement Class based
8 upon the terms set forth in the Amended Joint Stipulation of Class Action Settlement and Release (the
9 "Amended Settlement Agreement"), attached as **Exhibit A** to the Supplemental Declaration of Craig
10 J. Ackerman in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement.
11 All terms used herein shall have the same meaning as defined in the Amended Settlement Agreement.
12 The Court finds that the terms of the settlement set forth in the Amended Settlement Agreement appear
13 to be fair, adequate and reasonable to the Class.

14 2. The Court finds on a preliminary basis that the Settlement falls within the range of
15 reasonableness and appears to be presumptively valid, subject only to any objections that may be
16 raised at the final fairness hearing and final approval by this Court.

17 3. The Court preliminarily finds that extensive investigation and research have been
18 conducted, such that counsel for the parties are able to reasonably evaluate their respective positions.
19 The Court preliminarily finds that the Settlement will avoid substantial additional costs to all parties,
20 as well as avoid the delay and risks that would be presented by the further prosecution of the Action.
21 The Court preliminarily finds that the Settlement has been reached as the result of intensive, serious,
22 and non-collusive arms-length negotiations, and has been entered into in good faith. The assistance
23 of an experienced mediator in the settlement process further confirms that the Settlement is non-
24 collusive. Finally, the Court has reviewed the monetary recovery that is being granted as part of the
25 Settlement and preliminarily finds that the monetary settlement awards made available to the Class
26 Members are fair, adequate, and reasonable when balanced against the potential risks of further
27 litigation relating to certification, liability, and damages issues.

28 4. A final fairness hearing on the question of whether the proposed Settlement, attorneys'
fees and costs to Class Counsel, and the Class Representatives' Enhancement Awards should be finally

1 approved as fair, reasonable and adequate as to the members of the Class is scheduled in Department
2 C16 on the date and time set forth in the implementation schedule in Paragraph 10 below.

3 5. This Court approves, as to form and content, the Notice of Proposed Class Action and
4 Private Attorney General Act Settlement and Hearing Date for Court Approval (the "Class Notice")
5 (including the Objection Form and Opt-Out Form) and Share Form, in substantially the form attached
6 to the Amended Settlement Agreement as **Exhibits 1 and 2**. The Court finds that the Notice fully and
7 accurately informs the Class Members of all material elements of the Settlement, of the Class
8 Members' right to opt out and be excluded from the Settlement, and of each Class Member's right and
9 opportunity to object to the Settlement. The Court approves the procedure for Class Members to
10 participate in, to opt out of, and to object to, the Settlement as set forth in the Settlement Agreement.

11 6. The Court directs the mailing of the Class Notice and Share Form by first class United
12 States mail to the Class Members in accordance with the Implementation Schedule set forth below.
13 The Court finds the Class Notice and dates selected for the mailing and distribution of the Class Notice
14 and Share Form, as set forth in the Implementation Schedule, meet the requirements of due process
15 and provide the best notice practicable under the circumstances and shall constitute due and sufficient
16 notice to all persons entitled thereto.

17 7. It is ordered that the following Class is preliminarily certified for settlement purposes
18 only:

19 All individuals who are or were employed as non-exempt hourly employees of ESA
20 Management, LLC in California at any time from March 27, 2014 through December
21 15, 2019.

22 8. The Court preliminarily finds that, for settlement purposes only, the Class meets the
23 requirements for certification under section 382 of the California Code of Civil Procedure in that: (a)
24 the Class is ascertainable and so numerous that joinder of all members of the Class is impracticable;
25 (b) common questions of law and fact predominate, and there is a well-defined community of interest
26 amongst the members of the Class with respect to the subject matter of the litigation; (c) Plaintiffs'
27 claims are typical of the claims of the members of the Class; (d) the Class Representatives will fairly
28 and adequately protect the interests of the members of the Class; (e) a class action is superior to other
available methods for the efficient adjudication of the controversy; and (f) Class counsel are qualified
to act as counsel for the Plaintiffs in their individual capacities and as the representatives of the Class.

1 9. The Court provisionally appoints Plaintiffs Bridget Liggins, Adrienne Liggins, Sandra
 2 Arizmendi, Franisha Beasley, Stephanie Randall, and D’Erica Washington as Class Representatives,
 3 and Matthew J. Matern, Joshua D. Boxer, and Neil M. Larsen of Matern Law Group, PC, Craig J.
 4 Ackermann of Ackermann & Tilajef, P.C., Jonathan Melmed of Melmed Law Group P.C., Shaun
 5 Setareh and William M. Pao of Setareh Law Group, and Farzad Rastegar of Rastegar Law Group as
 6 Class Counsel, subject to further consideration at the final approval hearing.

7 10. The Court appoints Simpluris, Inc. or ILYM as the Settlement Administrator.

8 11. To facilitate administration of the Settlement pending final approval, the Court hereby
 9 enjoins Plaintiffs and all Class Members from filing or prosecuting any claims, suits or administrative
 10 proceedings (including filing claims with the Division of Labor Standards Enforcement of the
 11 California Department of Industrial Relations or the Labor Workforce Development Agency)
 12 regarding claims released by the Settlement, unless and until such Class Members have filed valid
 13 Requests for Exclusion with the Settlement Administrator and the time for requesting exclusion from
 14 the settlement has elapsed.

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

16	a.	Deadline for Defendant to Submit List of Class Member Information to Settlement Administrator	[Within 30 days after entry by the Court of its Order of Preliminary Approval] S.A. ¶VI.2
17	b.	Deadline for Settlement Administrator to mail Class Notice and Share Form to Class Members	[Within 15 business days following the receipt of the Database] S.A. ¶VI.2
18	c.	Deadline for Class Members to Object or Request to be Excluded from Settlement	[45 calendar days after mailing of the Class Notice] S.A. ¶¶ 33, VI.3, VI.4
19	d.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys’ Fees and Costs, and Enhancement Awards	[16 court days prior to the Final Approval and Fairness Hearing]
20	e.	Final Approval and Fairness Hearing	<i>August 27, 2021 at 9:30 a.m./p.m.</i>
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28 13. If 5% or more of the Class Members opt out of the Settlement, Defendant shall have

1 the right to void the settlement in its sole discretion. Defendant will exercise its right to void the
2 settlement, if at all, within 14 days of receiving a report from the Settlement Administrator informing
3 Defendant that the total number of opt outs is 5% or more.

4 14. In the event the Settlement does not become effective in accordance with the terms of
5 the Settlement Agreement, or the Settlement is not finally approved, or is terminated, cancelled or fails
6 to become effective for any reason, this Order shall be rendered null and void, shall be vacated, and
7 the Parties shall revert back to their respective positions as of before entering into the Settlement
8 Agreement.

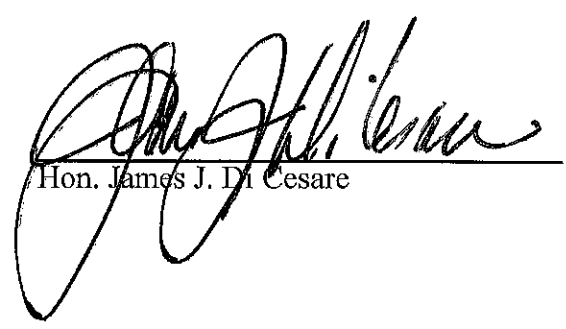
9 15. The Court orders that the Settlement Agreement shall not be construed as an admission
10 or evidence of liability.

11 16. Pending further order by this Court, all proceedings in this matter except those
12 contemplated herein and in the Settlement Agreement are stayed.

13 17. The Court expressly reserves the right to adjourn or continue the Final Approval and
14 Fairness Hearing without further notice to Class Members.

15 **IT IS SO ORDERED.**

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17 Dated: 4/30/21

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Hon. James J. Di Cesare