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Superior Court of California,
County of San Diego
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Clerk of the Superior Court
By C. Hines ,Deputy Clerk

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

KIMBERLY PELLETIER, an individual; and
JASON JOHNSON, an individual on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

ABC LEGAL SERVICES, LLC, Washington
corporation; and DOES 1 through 100,
inclusive,

Defendant.

CASE NO.: 37-2022-00047743-CU-OE-CTL

**[PROPOSED] ORDER GRANTING
PLAINTIFFS’ MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: 8/30/2024
Time: 10:30 a.m.
Dept.: C-70
Judge: Hon. Carolyn Caietti

Complaint Filed: 11/28/2022
SAC Filed: 5/8/2024
Trial: None Set

On August 30, 2024, at 10:30 a.m., the Parties appeared before the Court for Plaintiffs’ Kimberly Pelletier and Jason Johnson’s (“Plaintiffs”) unopposed Motion for Preliminary Approval of the Class Action Settlement reached with Defendant ABC Legal (“Defendant” or “ABC”). After reviewing the moving papers and hearing argument of Counsel, the Court finds there is good cause to grant Plaintiffs’ requested relief as follows:

1. Plaintiffs’ Motion for Preliminary Approval of the Class Action Settlement (“Agreement”) attached as **Exhibit 1** to the Declaration of Shaun Markley is **GRANTED**.¹ The Court finds that the settlement reached is the product of informed decision-making by experienced counsel negotiating at arms-length with the assistance of an knowledgeable mediator. The

¹ This Notice incorporates by reference the definitions in the Agreement, and terms used herein shall have the same meaning as set forth in the Agreement.

1 settlement falls within a reasonable range based on the realistic recovery available, the relative
2 strengths and weaknesses of the case, and the risks involved. Thus, the settlement is worthy of
3 preliminary approval and progression to a notice stage.

4 2. For the purposes of settlement only, the Court further determines that the elements
5 of class certification are met pursuant to California Code of Civil Procedure section 382: (a) there
6 is an ascertainable and sufficiently numerous Class; (b) there is a well-defined community of
7 interest, including that there are predominant common questions of law or fact, Plaintiffs' claims
8 are typical of the claims of the Class Members, and Class Counsel and Plaintiffs can adequately
9 represent the class; and (c) the class proceeding is superior.

10 3. For the purposes of settlement only, the court provisionally certifies under California
11 Code of Civil Procedure section 382 of the following Class:

12 Any and all individuals and/or entities who served process or performed any
13 work as a process server in the State of California under any agreement
(written, oral, or implied) with ABC (or its predecessor(s)) as an
14 independent contractor during the Class Period.

15 4. The Court hereby appoints the individual Plaintiffs as representatives for the Class
16 and finds that they will fairly and adequately represent the interests of the Class.

17 5. The Court hereby appoints the following attorneys as Class Counsel for the Class
18 and finds that they will fairly and adequately represent the interests of the Class:

19 Craig M. Nicholas (SBN 178444)
20 Shaun Markley (SBN 291785)
21 Jordan Belcastro (SBN 339570)
NICHOLAS & TOMASEVIC, LLP
22 225 Broadway, 19th Floor, San Diego, CA 92101
23 Tel: (619) 325-0492 / Fax: (619) 325-0496

24 Shaun Setareh (SBN 204514)
25 William M. Pao (SBN 219846)
SETAREH LAW GROUP
26 9665 Wilshire Boulevard, Suite 430, Beverly Hills, CA 90212
27 Tel: (310) 888-7771 / Fax: (310) 888-0109

28 6. The Court hereby approves as to form and content, the proposed Class Notice,
attached as Exhibit A to the Agreement, including the procedure for the Class Members to object
to or request exclusion from the Settlement and, accordingly, direction that Class Notice and be
given in the form and manner consistent therewith.

1 7. The Court hereby determines that the Class Notice meets the requirements of
2 California Code of Civil Procedure sections 382 and 581(k), California Rules of Court 3.766(d),
3 and due process, and is the best means practicable of providing notice under the circumstances and
4 when completed shall constitute due and sufficient notice of the Action, the Agreement, and the
5 Final Approval Hearing to all persons affected by and/or authorized to participate in the settlement.

6 8. The Court hereby appoints CPT Group Class Action Administrators as the
7 Settlement Administrator.

8 9. The Court hereby orders Settlement Administrator to provide the approved Class
9 Notice to the Class Members in accordance with the schedule set forth and using the procedures set
10 forth in the Agreement.

11 10. The Court further orders that any Class Member may choose to submit a written
12 objection to the Agreement by filing with the Court and serving on counsel for the Parties a written
13 statement objecting to the Settlement in accordance with the instructions set forth in the Agreement
14 and Class Notice. Class Members who fail to make timely objections shall be deemed to have
15 waived any objections and shall forever be foreclosed from making any objection (whether by
16 appeal or otherwise) to the Agreement and shall be bound by the Agreement if finally approved
17 unless the Class Member excludes himself/herself from the Agreement.

18 11. The Court further orders that any Class Member may choose to be excluded from
19 the Agreement by submitting to the Settlement Administrator a written statement requesting
20 exclusion from the Agreement in accordance with the instructions set forth in the Agreement and
21 Class Notice.

22 12. The Court further orders that any member of the Class who submits a valid and
23 timely written request for exclusion from the settlement in accordance with the instructions set forth
24 in the Agreement and Class Notice will be a Non-Participating Class Member and excluded from
25 the Class. Non-Participating Class Members who are also PAGA Group Members remain bound
26 by the Agreement with respect to the resolution of the PAGA claims and will be subject to the
27 Release by Aggrieved Employees at section 6.3 of the Agreement.

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13. The Court further orders that Class Members who have not requested exclusion by submitting a valid and timely written request for exclusion in accordance with the instructions set forth in the Agreement and Class Notice shall be bound by all determinations of the Court, the Agreement, and any Order for Final Approval and Judgment entered by the Court.

14. The Court also approves the PAGA portion of the Agreement. The Agreement defines the PAGA "Aggrieved Employees" to mean "any and all individuals and/or entities who served process or performed any work as a process server in the State of California under any agreement (written, oral, or implied) with ABC (or its predecessor(s)) as an independent contractor during the PAGA Period." The PAGA Period is from January 24, 2021 through the date of preliminary approval, August 30, 2024.

15. The Court hereby sets a Final Approval Hearing on December 20, 2024 at 10:30 a.m. before the Court.

IT IS SO ORDERED.

Dated: 9/5/2024

Carolyn M. Caietti

JUDGE OF THE SUPERIOR COURT
Carolyn M Caietti