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FILED
Superior Court of California
County of Los Angeles
03/28/2024

David W. Slayton, Executive Officer / Clerk of Court
By: L. M'Greené Deputy

Attorneys for Plaintiff LORI C. WYATT-WILLIAMS,
on behalf of herself and others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET**

LORI C. WYATT-WILLIAMS, on behalf of
herself and others similarly situated,

Plaintiff,

vs.

EXCEPTIONAL CHILDREN'S
FOUNDATION; and DOES 1 to 100,
inclusive,

Defendants.

Case No.: 22STCV34952

CLASS ACTION

*[Assigned for all purposes to the Hon. Carolyn
B. Kuhl, Dept. 12]*

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement; Declaration of Eve Howe in Support
Thereof]*

Hearing Information:
Date: March 28, 2024
Time: 10:30 a.m.
Dept.: 12

1 The Motion for Preliminary Approval of a Settlement came before this Court on March 28,
2 2024 at 10:30 a.m. in Department 12 of Los Angeles County Superior Court located at 312 N.
3 Spring St., Los Angeles, California 90012. The Court, having considered the proposed Class
4 Action and PAGA Settlement Agreement and Class Notice entered into by and between Plaintiff
5 Lori C. Wyatt-Williams (“Plaintiff”) and Exceptional Children’s Foundation (“Defendant”),
6 attached as **Exhibit 1** to the Declaration of Eve Howe in Support of Plaintiff’s Motion for
7 Preliminary Approval of Class Action Settlement, and the Exhibits attached thereto (hereafter
8 collectively, the “Settlement” or “Settlement Agreement”); having considered the Motion for
9 Preliminary Approval of Class Action Settlement filed by the parties; having considered the
10 respective points and authorities and declarations submitted by the parties in support thereof; and
11 good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

19 All current or former direct employees, as well as any temporary
20 employees employed through a temporary services agency, who in either
21 case worked for Defendant in the State of California and were classified
22 as hourly non-exempt during the “Class Period.” (The term “Class”
23 expressly excludes those classified as a Consumer, School Consumer or
24 Laborer – Consumer.) The “Class Period” is the period from November 2,
25 2018, through the earlier of either (1) the date of entry of this Order or (2)
26 _____, the date the number of Workweeks exceeds 67,100, if
27 exercised by Defendant per Paragraph 8 of the Settlement.

28 1. For purposes of the Settlement only, the Court further designates named Plaintiff

1 Lori C. Wyatt-Williams as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry,
2 Esq., Antonia McKee, Esq., and Eve Howe, Esq. of Lavi & Ebrahimian, LLP, as Class Counsel.

3 2. The Court appoints CPT Group, Inc. as the Settlement Administrator.

4 3. A final fairness hearing on the question of whether the proposed Settlement should
5 be finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled in
6 Department 12 of this Court, located at 312 N. Spring St., Los Angeles, California 90012, on
7 _____, 2024, at _____ a.m./p.m.

8 4. At the final fairness hearing, the Court will consider: (a) whether the Settlement
9 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting
10 approval of the Settlement should be entered; and (c) whether Plaintiff's application for an award of
11 Class Counsel Fees Payment, Class Counsel Expenses Payment, and Class Representative Service
12 Payment should be granted.

13 5. Counsel for the Parties shall file memoranda, declarations, or other statements and
14 materials, as appropriate, in support of their request for final approval by no later than 16 court days
15 prior to the final fairness hearing.

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

19 7. The Court approves, as to form and content, the Class Notice which is appended to
20 the Settlement Agreement.

21 8. No later than fifteen (15) calendar days following the date the Court enters this
22 order, Defendant shall provide the following information to the Settlement Administrator: Class
23 Member identifying information in Defendant's possession including the Class Member's name,
24 last-known mailing address, Social Security number, and any other information needed to calculate
25 Individual Class Payments and Individual PAGA Payments for the Class ("Class Data").

26 9. Within fourteen (14) calendar days after receiving the Class Data, the Settlement
27 Administrator shall disseminate the Class Notice to all the Class Members identified in the Class
28 Data by first-class U.S. Mail.

1 10. Class Members shall have sixty (60) calendar days from the date the Settlement
2 Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion
3 from the Settlement or fax, email, or mail an Objection to the Settlement (“Response Deadline”).
4 Class Members to whom Notice Packets are resent after having been returned undeliverable to the
5 Administrator shall have an additional fourteen (14) calendar days after the Response Deadline
6 has expired.

7 11. The Court finds that the forms of Class Notice to the Class regarding the pendency
8 of the action and of this Settlement, and the methods of giving notice to members of the
9 Settlement Class constitute the best notice practicable under the circumstances and constitute
10 valid, due, and sufficient notice to all members of the Class. They comply fully with the
11 requirements of California Code of Civil Procedure section 382, California Civil Code section
12 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
13 and other applicable law.

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

16 13. Class Members who wish to exclude themselves from (opt-out of) the Class
17 Settlement must send the Administrator, by fax, email, or mail, a signed written Request for
18 Exclusion not later than 60 days after the Administrator mails the Class Notice (plus an additional
19 14 days for Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter
20 from a Class Member or the Class Member’s representative that reasonably communicates the
21 Class Member’s election to be excluded from the Settlement and includes the Class Member’s
22 name, address and email address or telephone number. To be valid, a Request for Exclusion must
23 be signed by the Class Member and timely faxed, emailed, or postmarked by the Response
24 Deadline.

25 14. Participating Class Members may send written objections to the Administrator, by
26 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire
27 an attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A
28 Participating Class Member who elects to send a written objection to the Administrator must do

1 so not later than 60 days after the Administrator’s mailing of the Class Notice (plus an additional
2 14 days for Class Members whose Class Notice was re-mailed).

3 15. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
4 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
5 Order, are stayed.

6 16. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
7 connection with the administration of the Settlement, which are not materially inconsistent with
8 either this Order or the terms of the Settlement.

9 17. 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	15 calendar days after the Court’s entry of this Order
Notice Date: Last day for Administrator to mail Class Notice to Class Members.	14 calendar days after receipt of the Class Data
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, plus an additional 14 calendar days for Class Members whose notice is re-mailed
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 the 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	5 court days prior to the final fairness hearing
Hearing on final approval of class action settlement.	CE * 20 2024 03/28/2024

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

25 **IT IS SO ORDERED.**

26 Dated: 03/28/2024



Carolyn B. Kuhl

Carolyn B. Kuhl / Judge

Hon. Carolyn B. Kuhl
Judge of the Superior Court