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FILED
Superior Court of California
County of Los Angeles

03/08/2024

David W. Slayton, Executive Officer / Clerk of Court

By: N. Navarro Deputy

6 Attorneys for Plaintiff,
DUANE DAY, on behalf of himself,
7 all putative class members, aggrieved employees
and the State of California as a
8 Private Attorneys General

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES**

12 ISOM DUANE DAY, an individual, on behalf) Case No.: 22STCV26039
13 of himself and all others similarly situated,)

14 Plaintiff,)

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL**

15 vs.)

16 HILLSIDES, a California 501(c) not-for-profit)
17 organization, and DOES 1-50, inclusive,)

18 Defendant.)
19)
20)
21)

1 The Court has before it the Motion for Preliminary Approval brought by Plaintiff ISOM
2 DUANE DAY. After reviewing the Motion for Preliminary Approval and the Class Action and
3 PAGA Settlement Agreement and Class Notice (“Settlement Agreement”) filed with the Court,
4 and good cause appearing therefore, the Court hereby finds and orders as follows:
5

6 1. The Court finds on a preliminary basis that the settlement memorialized in the
7 Settlement Agreement appears to be fair, adequate, and reasonable, and therefore meets the
8 requirements for preliminary approval.

9 2. The Court conditionally certifies for settlement purposes only the following class:

10 All persons who are employed or have been employed by Hillside
11 in the State of California as hourly, non-exempt employees at any
12 time within the period beginning January 10, 2021, and ending on
13 the date the Court grants preliminary approval or November 25,
14 2023, whichever is sooner.

15 3. The Court finds, for purposes of settlement only, that the class meets the
16 requirements for certification under § 382 of the California Code of Civil Procedure in that: (1)
17 the Class is so numerous that joinder is impracticable; (2) there are questions of law and fact that
18 are common, or of general interest, to all Settlement Class Members, which predominate over
19 individual issues; (3) the named Plaintiff’s claims are typical of the claims of the Class; (4) the
20 named Plaintiff and Plaintiff’s counsel will fairly and adequately protect the interests of the Class;
21 and (5) a class action is superior to other available methods for the fair and efficient adjudication
22 of the controversy.

23 4. The Court appoints for settlement purposes only Plaintiff ISOM DUANE DAY as
24 class representative.

25 5. The Court appoints for settlement purposes only Koul Law Firm as Class Counsel.

26 6. The Court appoints CPT Group, Inc., as the Settlement Administrator.

27 7. The parties are ordered to carry out the settlement according to the terms of the
28 Settlement Agreement.

1 8. The Court orders the following implementation schedule:

2 a. Deadline for Defendant to submit Class Data to the Administrator: within fourteen
3 (14) days after entry of the Preliminary Approval Order

4 b. Deadline for Settlement Administrator to mail the notice to Class Members: Within
5 seven (7) days after the receipt of the Class Data from Defendant;

6 c. Deadline for Class Members to fax, email or postmark written objections,
7 Challenges to Workweeks and/or Pay Periods, and Requests for Exclusion (Opt-Out) related to the
8 Settlement: Within sixty (60) days for initial mailing of Notice Packet; to be extended by fourteen
9 (14) days for remailing;

10 d. Deadline for serving and filing Motion for Final Approval Sixteen (16) court days
11 before Final Approval Hearing in conformity with Code of Civil Procedure § 1005;

12 e. Deadline for serving and filing Motion for Attorney Fee Award, Cost Award, and
13 Class Representative Enhancement Payment: Sixteen (16) court days before Final Approval
14 Hearing in conformity with Code of Civil Procedure Section 1005;

15 f. Final Approval Hearing: ~~CE * ~ • OFG~~, 2024 at ~~JKE~~ a.m./~~p.m.~~

16 9. The Court approves as to form and content the Notice of the proposed settlement
17 which advises Class Members and Aggrieved Employees of the settlement terms, the preliminary
18 approval of the Settlement, and the scheduling of the Final Approval Hearing.

19 10. The Court finds that the timing for the mailing and distribution of the Notice meet
20 the requirements of due process, provide the best notice practicable under the circumstances, and
21 constitute due and sufficient notice to all persons entitled thereto. The Court directs the mailing
22 of the notice to all identified Class Members in accordance with the Settlement Agreement.

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1 11. The Notice is hereby found to be the best means practicable of providing notice
2 under the circumstances, and, when completed, shall constitute due and sufficient notice of the
3 class and representative action, proposed settlement, and the final approval hearing to all persons
4 affected by and/or authorized to participate in the settlement, in full compliance with due process
5 and the notice requirements of California Code of Civil Procedure § 877.6.
6

7 IT IS SO ORDERED.

8
9 Dated: 03/08/2024



JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

Case No. 22STCV26039

Day v. Hillside

I, IVETTE HERNANDEZ declare that I am a resident of or employed in the County of Los Angeles, California. I am over the age of 18 years and not a party to the entitled case. The name and address of my residence or business is KOUL LAW FIRM, 3435 Wilshire Blvd. Ste. 1710, Los Angeles, California 90010.

On December 7, 2023, I served the foregoing document described as:

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL

 X

BY ELECTRONIC SERVICE: Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service **CASEANYWHERE**.

on the interested parties in this action by sending [] the original [or] [✓] a true copy thereof [✓] to interested parties as follows [or] [] as stated on the attached service list:

Kathleen Carter, Esq.

kcarter@messner.com

Peter Pierce, Esq.

ppierce@messner.com

MESSNER REEVES LLP

650 Town Center Drive, Suite 700

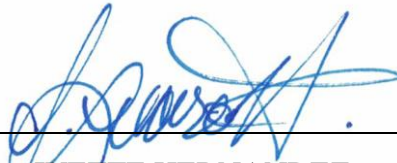
Costa Mesa, CA 92626

Phone: (310) 909-7440

Attorneys for Defendant HILLSIDES

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this December 7, 2023, in Los Angeles, California.



IVETTE HERNANDEZ