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 ORIGINAL FILED  
 Superior Court of California  
 County of Los Angeles

JUL 21 2021

Shari R. Carter, Executive Officer/Clerk  
 By Marisela Fregoso, Deputy

6 Attorneys for Plaintiff Rene Ramos,  
 on behalf of herself and all others similarly situated

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 9 FOR THE COUNTY OF LOS ANGELES

10 YADIRA ESPINOZA, an individual;  
 11 EDITH MOLINA, an individual, on their  
 own behalf and on behalf of all others  
 12 similarly situated,

13 Plaintiffs,

14 vs.

15 PHOENIX WAREHOUSE OF  
 CALIFORNIA, LLC, a California  
 16 corporation; COASTAL EMPLOYMENT,  
 INC., a California corporation; DIAMOND  
 17 STAFFING SERVICES, INC. d/b/a TRI-  
 DIAMOND STAFFING, a Delaware  
 18 corporation; and DOES 1 through 20,

19 Defendants.

20 RENE RAMOS, on behalf of himself and  
 others similarly situated,

21 Plaintiffs,

22 vs.

23 FAIRWAY STAFFING SERVICES, a  
 24 California corporation; PHOENIX  
 WAREHOUSE OF CALIFORNIA, LLC, a  
 25 California Limited Liability Company; and  
 26 DOES 1 through 50, inclusive,

27 Defendants.

Case No. BC503678  
 Consolidated with: BC512859 & BC549172

CLASS ACTION

Assigned for All Purposes To:  
 Hon. Elihu M. Berle  
 Dept.: 6

~~PROPOSED~~ ORDER GRANTING  
 PLAINTIFF'S MOTION FOR  
 PRELIMINARY APPROVAL OF  
 AMENDED JOINT STIPULATION OF  
 CLASS ACTION SETTLEMENT

Continued hearing scheduled for:  
 Date: July 21, 2021  
 Time: 8:30 a.m.  
 Dept: 6, Spring Street

Complaint Filed: March 21, 2013  
 Trial: None Set

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IGNACIO VILLA, on behalf of himself  
and all others similarly situated,  
  
Plaintiffs,  
  
vs.  
  
PHOENIX WAREHOUSE OF  
CALIFORNIA, INC., etc., et al.  
  
Defendants.

1 Plaintiff Rene Ramos (“Plaintiff”) filed a Motion (the “Motion”) for an Order (1)  
2 preliminarily approving the Joint Stipulation of Class Action Settlement reached between the  
3 Plaintiff and Defendant Fairway Staffing Services, a California corporation (“Defendant”)  
4 (Plaintiff and Defendant are collectively referred to herein as the “Parties”); (2) approving the  
5 Notice of Class Action Settlement, and (3) setting the final approval hearing. Defendant does not  
6 oppose the Motion. The initial hearing on the Motion occurred on April 19, 2021, and the Court  
7 provided the parties with a list of items to address and resolve. The Court also set a continued  
8 hearing date on the Motion for Preliminary approval on July 9, 2021 at 11 00 a.m. in Dept. 6.  
9 Plaintiff’s counsel submitted supplemental briefing and provided the Court with further  
10 Declarations in support of preliminary approval and an Amended Settlement Agreement and Class  
11 Notice. At the hearing on July 9, 2021, the Court asked Plaintiff’s counsel to provide a  
12 supplemental declaration providing proof of submission of the Amended Settlement Agreement to  
13 the LWDA and to provide an amended [Proposed] Order and Class Notice reflecting dates for the  
14 Settlement administration and final approval process. Plaintiff’s counsel did so, and the Court  
15 conducted its continued hearing on the Motion for preliminary approval on July 21, 2021 at 8:30  
16 a.m. in Department 6 of the Spring Street Courthouse.

17 The Court, having considered Plaintiff’s Motion, the Memorandum of Points and  
18 Authorities in support thereof, the various supplemental briefing and amended documents, and  
19 supporting evidence and declarations, and Defendant’s agreement with and/or non-opposition to  
20 the Motion, hereby ORDERS, ADJUDGES, AND DECREES as follows:

21 1. The Preliminary Approval Motion is GRANTED and the Parties’ Amended Joint  
22 Stipulation of Class Action Settlement (the “Stipulation”) attached at Exhibit A to the Declaration  
23 of Alvin B. Lindsay (submitted with the supplemental briefing on May 21, 2021) is preliminarily  
24 approved.

25 2. This Order incorporates by reference the definitions in the Stipulation and all  
26 terms defined therein shall have the same meaning in this Order.

27 3. The class is preliminarily certified for settlement purposes only. The class is  
28 defined as: all current and former non-exempt hourly employees of Defendant worked upon the

1 premises of Phoenix Warehouse of California, LLC, in California from March 21, 2009 through  
2 December 31, 2014. Should the settlement not become final, this Order shall be rendered null and  
3 void and shall be vacated. Should the settlement not become final, the Parties shall revert to their  
4 respective positions prior to notifying the Court of the settlement of the action.

5           4.       The class action settlement contemplated by the Stipulation is preliminarily  
6 approved based upon the terms set forth in the Stipulation. The class action settlement appears to  
7 be fair, adequate, and reasonable to the Class. The class action settlement contemplated by the  
8 Stipulation falls within the range of reasonableness that could ultimately be granted final approval  
9 by the Court. The preliminary approval of the class action settlement includes the approval for  
10 purposes of the settlement of David Yeremian and Alvin B. Lindsay of David Yeremian &  
11 Associates, Inc., as Class Counsel; Rene Ramos as Class Representative, and CPT Group as the  
12 Claims Administrator. Class Counsel is authorized to act on behalf of the class members with  
13 respect to all acts or consents required by or which may be given pursuant to the Stipulation and  
14 the class action settlement contemplated by the Stipulation, and such other acts reasonably  
15 necessary to consummate the settlement. The Claims Administrator is authorized to perform such  
16 acts as set forth in this Order and the Stipulation.

17           5.       The Court approves the Parties' allocation of \$5,000.00 to settle claims under the  
18 Labor Code Private Attorneys General Act of 2004 ("PAGA"). Pursuant to Labor Code § 2699(i),  
19 75% of this amount, or \$3,750.00, shall be paid to the California Labor & Workforce  
20 Development agency and the remaining 25%, or \$1,250.00, shall be paid to Class Members in the  
21 manner set forth in the Stipulation.

22           6.       The Amended Class Notice (or the "Notice") attached as Exhibit B to the Lindsay  
23 Declaration also serves and is approved as Exhibit A to the Stipulation,<sup>1</sup> as it appeared in amended  
24 form at Exhibit A to the Lindsay Declaration filed May 21, 2021 and as it has been amended in the  
25 approved Class Notice at **Exhibit 1** to this Order. The amended Class Notice advises the Class of

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27 <sup>1</sup> Only the English version of the Class Notice is being attached to the Stipulation of Class Action Settlement. Once  
28 the above entitled case receives Preliminary Approval then the Claim Administrator, CPT Group, will also translate  
the Class Notice also into Spanish.

1 material terms and provisions of this settlement, the procedure for approval thereof, the Court's  
2 current COVID-19 social distancing precautions, and their rights with respect thereto are approved  
3 as to form and content. The Court approves the procedure set forth in the Stipulation for Class  
4 Members to participate in, opt out of, and object to the Settlement as set forth in the Notice.

5 7. The Notice (at Exhibit A to this Order) shall be sent by first class mail to the Class  
6 in accordance with the schedule set forth below. The dates selected for the mailing and distribution  
7 of the Notice Packet as set forth below meet the requirements of due process and provide the best  
8 notice practicable under the circumstances and shall constitute due and sufficient notice to all  
9 persons entitled thereto:

- 10 a. July 14, 2021 – file/submit amended Proposed Order and Class Notice;
- 11 b. July 21, 2021 at 8:30 a.m. – continued hearing on Plaintiff's motion for  
12 preliminary approval of the parties' Amended Settlement Agreement – and date of entry of Order  
13 if the papers are in order;
- 14 c. August 4, 2021 – Deadline for Defendant to deliver the Class Data and contacts to  
15 the Settlement Administrator, CPT Group;
- 16 d. August 18, 2021 – Deadline for Admin to mail Class Notices;
- 17 e. September 17, 2021 – Plaintiff's counsel will file Plaintiff's motion for final  
18 approval of the Amended Settlement and for the award of attorneys' fees, costs, class  
19 representative enhancement, and settlement administration costs;
- 20 f. October 18, 2021 – Deadline for Class Members to object to the Settlement, opt  
21 out of it, or dispute their workweeks;
- 22 g. November 5, 2021 – Deadline for parties to provide responses to any objections  
23 and for Administrator to provide final Declaration regarding Notice procedures and  
24 administration; and
- 25 h. November 19, 2021 at 9:00 a.m. – Final Fairness and Approval Hearing.

26 8. The Stipulation shall not be construed as an admission or evidence of either  
27 liability or the appropriateness of class certification in the non-settlement context, as more  
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1 specifically set forth in the Stipulation. Entry of this Order is without prejudice to the rights of  
2 Defendant to oppose certification of a class in this action should the proposed settlement not be  
3 granted final approval.

4 9. All further proceedings in this action shall be stayed except such proceedings  
5 necessary to review, approve, and implement this Settlement.

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**IT IS SO ORDERED.**

**ELIHU M. BERLE**

DATED: JUL 21 2021

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Honorable Elihu M. Berle  
Judge of the Superior Court