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FILED
San Francisco County Superior Court
OCT 31 2022
CLERK OF THE COURT
BY: R. Michael Dill
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 304

JUSTINE K. DHARNI, an individual, on behalf
of herself and all others similarly situated and
Aggrieved Employees,

Plaintiff,

v.

DENTSU MCGARRY BOWEN LLC, a New
York Limited Liability Company,
RYAN LINDHOLM, an individual,
and DOES 1 through 25, Inclusive,

Defendants.

Case No: CGC-21-590170

ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

1 This matter was set for hearing on November 2, 2022 at 11:00 a.m. in Department 304 of
2 the above-captioned court on Plaintiff's Motion for Preliminary Approval of Class Action
3 Settlement, upon the terms and conditions set forth in the Joint Stipulation of Class Action and
4 PAGA Settlement ("Settlement Agreement" or "Settlement"), a copy of which is attached as
5 Exhibit 6 to the Third Declaration of Jeffrey P. Jackson filed September 30, 2022. The Court
6 provided a tentative ruling prior to oral argument. The parties submitted on the tentative ruling in
7 advance of the hearing. Accordingly, the November 2, 2022 hearing is off calendar.

8 Having reviewed Plaintiff's Motion for Preliminary Approval of Class Action Settlement;
9 the Memorandum of Points and Authorities and Declaration filed in support thereof; the
10 Supplemental Briefing filed in support thereof; the Settlement Agreement, the Notice to Class of
11 Proposed Settlement and Final Approval Hearing ("Class Notice"), Summary Notice to Class of
12 Proposed Settlement ("Summary Notice"), and the Request for Exclusion Form, Plaintiff's Motion
13 for Preliminary Approval of Class Action Settlement is hereby GRANTED.

14 THE COURT FINDS AS FOLLOWS:

15 1. The Court finds on a preliminary basis that the Settlement Agreement, incorporated
16 by reference and made a part of this Order, is within the range of possible final approval such that
17 notice should be provided to the Classes.

18 2. The Court finds that the elements of numerosity, commonality, typicality, and
19 adequacy have been established pursuant to Code of Civil Procedure section 382 to support
20 preliminary conditional certification of the Classes for settlement purposes only, with Plaintiff
21 Justine Dharni acting as Class Representative. The Classes are defined as follows.

22 a. The FCRA Class: All individuals who worked in the State of California and
23 for whom Defendant requested a consumer report for employment purposes between March 12,
24 2016 and December 31, 2021.

25 b. The Wage Statement Class: All individuals who worked in the State of
26 California and for whom Defendant provided a wage statement between March 12, 2020 and
27 December 31, 2021.

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1 c. The Unfair Competition Law (“UCL”) Class: All individuals who worked
2 in the State of California for Defendant from March 12, 2017 to December 31, 2021.

3 3. The Court hereby preliminarily appoints, for settlement purposes, the Law Offices
4 of Finkelstein & Krinsk LLP as Class Counsel.

5 4. The Court approves and appoints CPT Group to serve as the Settlement
6 Administrator.

7 5. The Court approves the proposed Class Notice attached as Exhibit 11 to the Fourth
8 Declaration of Jeffrey P. Jackson filed October 21, 2022. The Court also approves the proposed
9 Summary Notice attached as Exhibit 13 to the Fourth Declaration of Jeffrey P. Jackson filed
10 October 21, 2022.

11 6. The Court finds that the Class Notice and Summary Notice constitute the best notice
12 practicable under the circumstances and is in full compliance with the laws of the State of
13 California and, to the extent applicable, the United States Constitution and the requirements of due
14 process. The Court further finds that the Class Notice and Summary Notice fully and accurately
15 inform Settlement Class Members of all material elements of the proposed Settlement, of each
16 Settlement Class Member’s right to be excluded, and each Settlement Class Member’s right and
17 opportunity to object to the proposed Settlement. The Court orders dissemination of the Class
18 Notice and Summary Notice in accordance with the Settlement Agreement.

19 7. Within 30 days after entry by the Court of this Order, Defendants shall provide the
20 Settlement Administrator with the Class List. (See Settlement ¶ 5.)

21 8. Any Class Member who wishes to object to the Settlement must file with the Court
22 and submit the objection to the Settlement Administrator pursuant to the directions set forth in the
23 Class Notice within 60 days after the date that the Class Notice is sent to the Settlement Class.

24 9. Any Class Member who wishes to request exclusion from the Settlement must
25 submit a Request for Exclusion (attached as Exhibit 12 to the Fourth Declaration of Jeffrey P.
26 Jackson filed October 21, 2022) pursuant to the directions set forth in the Class Notice, and return
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1 the Request for Exclusion Form to the Settlement Administrator within 60 days after the date that
2 the Class Notice is sent to the Settlement Class.

3 10. The Court will hold a hearing on April 14, 2023 at 11:00 a.m. to determine whether
4 the Court should grant final approval of the Settlement. The Court will hear all evidence and
5 argument necessary to evaluate the Settlement and will consider Plaintiff's request for an
6 enhancement award and Class Counsel's request for attorneys' fees and costs.

7 11. Any Class Member may be heard in support of, or in opposition to, the Court's
8 determination of the fairness, reasonableness, and adequacy of the proposed Settlement, the
9 requested attorneys' fees and costs, and the requested Class Representative's enhancement award.

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

12 13. Plaintiff shall submit a copy of this Order to the Labor and Workforce Development
13 Agency within 10 days after entry pursuant to Labor Code section 2699(1)(3).

14
15 IT IS SO ORDERED.

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18 Dated: Oct. 31, 2022



Ethan P. Schulman
Judge of the Superior Court

Dharni, et al. v. Dentsu McGarry
Bowen LLC, et al.

Case No: CGC-21-590170

CERTIFICATE OF ELECTRONIC SERVICE
(CCP §1010.6 & CRC §2.251)

I, R. Michael Diles, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am over the age of 18 years, employed in the City and County of San Francisco, California and am not a party to the within action.

On October 31, 2022, I electronically served the attached **Order Granting Preliminary Approval of Class Action Settlement** via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: October 31, 2022

Mark Culkins, Interim Clerk

By:



R. Michael Diles, Deputy Clerk