

Electronically Received 07/11/2024 04:53 PM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
Superior Court of California
County of Los Angeles

08/15/2024

David W. Slayton, Executive Officer / Clerk of Court

By: I. Arellanes Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

JUAN DAVID ARREOLA CARRILLO, as
an individual and on behalf of all others
similarly situated,

Plaintiff,

vs.

KPS GLOBAL, LLC, a Delaware
corporation; and DOES 1 through 100,

Defendants.

CASE NO. 22STCV19527

*[Case assigned for all purposes to the Hon.
Kenneth R. Freeman, Dept. 14]*

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

Date: August 15, 2024

Time: 10:00 a.m.

Dept.: 14

Action Filed: June 15, 2022

Trial Date: None Set

~~PROPOSED~~ ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL

1 Plaintiff Juan David Arreola Carrillo (“Plaintiff”) Motion for Preliminary Approval of
2 Class Action Settlement came regularly for hearing before this Court on August 15, 2024 at 10:00
3 a.m. The Court, having considered the proposed revised Class Action and PAGA Settlement
4 Agreement (the “Settlement Agreement”), attached as Exhibit C to the Supplemental Declaration
5 of Andrew J. Robotham; having considered Plaintiff’s Supplemental Brief in Support of Motion
6 for Preliminary Approval of Class Action Settlement; having considered Plaintiff’s Motion for
7 Preliminary Approval of Class Action Settlement, Memorandum of Points and Authorities in
8 support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY
9 ORDERS THE FOLLOWING:

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

17 All current and former nonexempt employees of KPS Global, LLC
18 (“Defendant”) in California who worked at any time between June
19 15, 2018, and the date of preliminary approval.

20 2. For purposes of the Settlement, the Court designates named Plaintiff Juan David
21 Arreola Carrillo as Class Representative and designates Fletcher W. Schmidt, Paul K. Haines,
22 Andrew J. Rowbotham, and Susan J. Perez of Haines Law Group, APC as Class Counsel.

23 4. The Court designates CPT Group, Inc. as the third-party Settlement Administrator
24 for mailing notices.

25 5. The Court approves, as to form and content, the Notice of Proposed Class Action
26 Settlement (“Class Notice”) attached as Exhibit 1 to the Settlement Agreement.

27 6. The Court finds that the form of notice to the Settlement Class regarding the
28 pendency of the action and of the Settlement, and the methods of giving notice to members of the

1 Settlement Class constitute the best notice practicable under the circumstances, and constitute
2 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
3 giving notice complies fully with the requirements of California Code of Civil Procedure § 382,
4 California Civil Code § 1781, California Rules of Court 3.766 and 3.769, the California and
5 United States Constitutions, and other applicable law.

6 7. The Court further approves the procedures for Settlement Class members to opt
7 out of or object to the Settlement, as set forth in the Class Notice.

8 8. The procedures and requirements for filing objections in connection with the Final
9 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
10 presentation of any Class Member's objection to the Settlement, in accordance with the due
11 process rights of all Settlement Class members.

12 9. The Court directs the Settlement Administrator to mail the Class Notice to the
13 members of the Settlement Class in accordance with the terms of the Settlement. The Court directs
14 the Settlement Administrator to carry out all duties as required by the Settlement.

15 10. The Class Notice shall provide at least 60 calendar days' notice for members of
16 the Settlement Class to opt out of, or object to the Settlement. Any Request for Exclusion or
17 Objection shall be submitted directly to the Settlement Administrator and not filed with the Court.
18 Upon receipt of any Requests for Exclusion or Objections, the Settlement Administrator shall
19 forward copies of all Requests for Exclusion and Objections to counsel for all parties. The
20 Settlement Administrator shall file a declaration concurrently with the filing of the Motion for
21 Final Approval of Class Action Settlement which authenticates a copy of every Request for
22 Exclusion and Objection received by the Settlement Administrator. The Settlement Administrator
23 shall give notice to any objecting Settlement Class member of any continuance of the hearing on
24 Plaintiff's Motion for Final Approval of Class Action Settlement.

25 11. The Final Fairness Hearing on the question of whether the Settlement should be
26 finally approved as fair, reasonable, and adequate is scheduled in Department 14 of this Court,
27 located at 312 North Spring Street, Los Angeles, CA 90012 on ~~CHFDCEG~~ , at
28 ~~FFKEE~~ a.m./ ~~p.m.~~

1 12. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
 2 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
 3 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff’s
 4 application for reasonable attorneys’ fees, reimbursement of litigation expenses, service payment
 5 to Plaintiff, settlement administration costs, and payment to the Labor and Workforce
 6 Development Agency (“LWDA”) for penalties under the Private Attorneys General Act
 7 (“PAGA”) should be granted.

8 13. Counsel for the parties shall file memoranda, declarations, or other statements and
 9 materials in support of their request for final approval of the Settlement, attorneys’ fees, litigation
 10 expenses, Plaintiff’s service payment, settlement administration costs, and payment to the LWDA
 11 for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the
 12 Code of Civil Procedure and the California Rules of Court.

13 14. An implementation schedule is below (assuming the Court signs this Order on
 14 August 15, 2024):

Event	Date
Defendant to provide Class Member information to the Settlement Administrator no later than [10 business days after preliminary approval]:	August 29, 2024
Settlement Administrator to mail Class Notice to Class Members no later than [10 business days from receipt of Class Member information]:	September 13, 2024
Deadline for Class Members to request exclusion from, submit dispute, or object to the Settlement [60 calendar days from mailing of Class Notice]:	November 12, 2024
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	At least 30 days prior to Final Fairness Hearing
Final Fairness Hearing [on or after December 20, 2024]:	September 13 , 2024 at 10:00 a.m. / p.m.

15 15. Pending the Final Fairness Hearing, all proceedings in this action, other than
 16 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
 17 Order, are stayed.
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

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

4 **IT IS SO ORDERED.**

5 Dated: 08/15/2024, ~~2024~~



6 

Honorable Kenneth R. Freeman
7 Judge of the Superior Court
Kenneth R. Freeman / Judge