

Christopher A. Adams, Esq., State Bar No. 266440
chris@kjtlawgroup.com
Vache A. Thomassian, Esq., State Bar No. 289053
vache@kjtlawgroup.com
Caspar Jivalagian, Esq., State Bar No.: 282818
caspar@kjtlawgroup.com
Levon S. Yepremian, Esq. State Bar No.: 327709
levon@kjtlawgroup.com
KJT LAW GROUP, LLP
230 N. Maryland Avenue, Suite 306
Glendale, CA 91206
Telephone: 818-507-8525
Facsimile: 818-507-8588

Attorneys for Plaintiff Axel Chacon on behalf of himself
and all others similarly situated

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

AXEL CHACON, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

SOUTHEAST UNLOADING, LLC., and
DOES 1-20, inclusive,

Defendants.

Case No.: 22STCV30185

Assigned For All Purposes To:

Judge: Hon. Stuart M. Rice

Dept.: 1

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Action Filed: September 15, 2022

Trial Date: None Set

FILED
Superior Court of California
County of Los Angeles

11/14/2024

David W. Slayton, Executive Officer / Clerk of Court

By: L. Ennis Deputy

This matter came on for hearing on October 14, 2024 at 10:30 a.m. in Department 1 of the above-captioned court on the Motion for an Order Granting Preliminary Approval of Class Action Settlement.

The Court, having fully reviewed the Motion for Preliminary Approval of Class Action Settlement; the Points and Authorities and Declarations filed in support thereof; Supplemental Briefing, the Amended Class Action Settlement Agreement (“Settlement Agreement”); and the Notice of Proposed Class Settlement (“Class Notice”); and in recognition of the Court’s duty to make a preliminary determination as to the reasonableness of any proposed class action settlement, and if preliminarily determined to be reasonable, to ensure proper notice is provided to class members in accordance with due process requirements, and to set a Final Fairness Hearing to consider the proposed settlement as to the good faith, fairness, adequacy and reasonableness of any proposed settlement, **HEREBY MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:**

The Court finds on a preliminary basis that the Settlement Agreement, incorporated in full by this reference and made part of this Order Granting Preliminary Approval of Class Action Settlement, appears to be in the range of reasonableness of a settlement which could ultimately be given final approval by this Court. The Court notes that Defendant Southeast Unloading, LLC. (“Defendant”) has agreed to pay a non-reversionary Gross Settlement Amount of \$360,000 which amount will be fully funded and paid out by Defendant provided certain conditions of the Settlement Agreement are met. Included within the Gross Settlement Amount is a Net Settlement Amount estimated to be \$193,500 calculated as follows:

Total Settlement Amount:	\$360,000.00
Minus Court-approved attorneys’ fees (one-third):	\$120,000.00
Minus estimated Court-approved attorneys’ costs:	\$10,000.00
Minus Plaintiff’s Service Award:	\$7,500.00
Minus estimated settlement administrator costs:	\$9,000.00
<u>Minus Payment to LWDA:</u>	<u>\$15,000.00</u>
Net Settlement Amount:	\$193,500.00

Defendant will pay out the entirety of the Net Settlement Amount to Participating Class Members. It appears to the Court on a preliminary basis that the settlement amount is fair and reasonable to the Class when balanced against the probable outcome of further litigation relating to class certification, liability and damages issues and potential appeals. It further appears that significant investigation, research, and litigation has been conducted such that counsel for the parties at this time are able to reasonably evaluate their respective positions. It further appears that settlement at this time will avoid substantial costs, delay, and risks that would be presented by the further prosecution of the litigation. It further appears that the proposed settlement has been reached as the result of intensive, serious, and non-collusive negotiations between the parties.

ACCORDINGLY, GOOD CAUSE APPEARING, THE MOTION FOR AN ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT IS HEREBY GRANTED, AND AS A PART OF SAID PRELIMINARY APPROVAL, THE COURT HEREBY ORDERS THAT THE CLASS BE CONDITIONALLY CERTIFIED FOR SETTLEMENT PURPOSES ONLY, AND THAT CHRISTOPHER A. ADAMS, VACHE A. THOMASSIAN AND CASPAR JIVALAGIAN OF KJT LAW GROUP LLP, BE CONDITIONALLY AND PRELIMINARILY APPOINTED CLASS COUNSEL.

MORE SPECIFICALLY, THE COURT FINDS AS FOLLOWS:

The Class provisionally certified by this Order for settlement purposes is as follows:

“Class Member” and “Settlement Class Members” means all current and former persons employed by Defendant in California as non-exempt employees at any time during the Class Period.

“Class Period” means the period from the period from September 15, 2018 to August 15, 2024.

The Court finds that (a) the Class is so numerous that joinder of all Class Members is impracticable; (b) the claims of Plaintiff Axel Chacon are typical of the Class Members’ claims; (c) there are questions of law and fact common to the Class, which predominate over any questions affecting only individual Class Members; and (d) class certification is superior to other available methods for the fair and efficient adjudication of the controversy and to effectuate the Settlement.

The Court finds that the Class Notice (attached as Exhibit 1 to Settlement Agreement)

comports with all constitutional requirements including those of due process.

The Court further finds that the proposed Class Notice adequately advises the Class about: (a) the terms of the proposed Settlement and the benefits available to each Class Member; (b) each Class Member's right to object to and/or opt out of the Settlement and the timing and procedures for doing so; (c) the temporary and conditional certification of the Class for settlement purposes only; (d) preliminary Court approval of the proposed Settlement; (e) timing and procedures for distributing the settlement funds to the Participating Class Members; and (f) the date of the Final Fairness Hearing as well as the rights of members of the Class to file documentation in support of or in opposition to and appear in connection with said hearing.

ACCORDINGLY, GOOD CAUSE APPEARING, THE COURT HEREBY APPROVES THE PROPOSED NOTICE TO THE CLASS AND FINDS that mailing to the last known address to members of the Class, as specifically described within the Settlement Agreement, constitutes an effective method of notifying Class Members of their rights with respect to the Class Action and proposed Settlement.

ACCORDINGLY, IT IS HEREBY ORDERED that:

The Class is provisionally certified as a class as defined above.

IT IS FURTHER ORDERED that Defendant shall within 30 calendar days of this Order provide the Settlement Administrator with (i) each Class Member's full name; (ii) each Class Member's last known address; (iii) each Class Member's Social Security number; and (v) the number of Class Period Workweeks and PAGA Pay Periods for each Class Member.

IT IS FURTHER ORDERED that the Settlement Administrator shall, within 14 calendar days after receiving the Class Data, and pursuant to the terms of the Settlement Agreement, exercise its best judgment to determine the current mailing address for each Class Member and then mail the Class Notice to the Class by First Class, regular U.S. mail, postage pre-paid, using the most current mailing address available. In the event that a Class Notice is returned to the Settlement Administrator with a forwarding address, the Settlement Administrator will re-send the Class Notice to the forwarding address affixed thereto. If no forwarding address is provided, then the Settlement

Administrator will promptly conduct an investigation and search using all reasonably available resources, methods, and means including, but not limited to, the National Change of Address database, skip traces, and direct contact by the Settlement Administrator with Class Members, to locate the current mailing address. If a better address is found, the Settlement Administrator will promptly re-send the Class Notice. If, at any time prior to the opt out deadline, a Class Member contacts the Settlement Administrator, or if Class Counsel does so on his or her behalf, to advise of a change in address, the Class Notice will be re-mailed to the address the Class Member (or Class Counsel) provides. In the event the procedures set forth herein are followed and the intended recipient of a Class Notice still does not receive the Class Notice, the intended recipient will be a Class Member and will be bound by all terms of the Settlement and the Order of Final Approval entered by the Court.

IT IS FURTHER ORDERED that any Request for Exclusion must be postmarked or delivered no later than 45 calendar days after the Class Notice is first mailed to the Class (or re-mailed to the Class Member), and must be received by the Settlement Administrator to be valid.

IT IS FURTHER ORDERED that any dispute submitted by a Class Member regarding the weeks of employment credited to that Class Member under the proposed Settlement must be postmarked no later than 45 calendar days after the date when the Class Notice is first mailed to the Class (or re-mailed to the Class Member), to be considered.

IT IS FURTHER ORDERED that Class Notice will provide that Class Members who wish to object to the Settlement must send to the Settlement Administrator a written statement objecting to the Settlement, no later than 45 calendar days after the date the Class Notice is first mailed by the Settlement Administrator. Such objection must: contain a statement regarding why the Class Member objects, what the Class Member objects to, and any facts supporting the Class Member's objection. The Settlement Administrator shall file all such objections with the Court prior to the Final Fairness Hearing.

IT IS FURTHER ORDERED that the Final Fairness Hearing shall be held before the undersigned on March 12, 2025 at 10:30 a.m., in Department 1 of the Superior Court for the State

1 of California County of Los Angeles, located at 312 N. Spring Street, Los Angeles, California
2 90012 or via remote appearance, to consider the fairness, adequacy and reasonableness of the
3 proposed Settlement preliminarily approved by this Order of Preliminary Approval, and to consider
4 the application of Class Counsel for an award of reasonable attorneys' fees and costs, and the Class
5 Representative Service Payment.

6 **IT IS FURTHER ORDERED** that pending final determination of whether this proposed
7 Settlement should be granted final approval, no member of the Class, either directly or
8 representatively, or in any other capacity, shall commence or prosecute any action or proceeding
9 asserting any of the Released Class Claims against the Released Parties, as defined in the Settlement
10 Agreement.

11 **IT IS FURTHER ORDERED** that any Party to this case, including any Class Member, in
12 person or by counsel, may be heard, to the extent allowed by the Court, in support of, or in
13 opposition to, the Court's determination of the good faith, fairness, reasonableness and adequacy of
14 the proposed Settlement, the requested attorneys' fees and costs, the requested Class Representative
15 Service Award, and any Order of Final Approval and Judgment regarding such Settlement, fees,
16 costs and enhancement.

17 **IT IS FURTHER ORDERED** that all briefs regarding the Settlement shall be served and filed
18 in accordance with the following briefing schedule: All briefs and materials in support of an Order
19 of Final Approval and application for attorneys' fees and costs shall be filed with this Court on or
20 before February 18, 2025. Response briefs, if any, in opposition to objections shall be filed with this
21 Court no later than February 27, 2025. The Settlement Administrator's report shall be filed with
22 this Court no later than February 18, 2025. Any objections to the Settlement and briefs regarding
23 such objections shall be filed with this Court and served in accordance with the Settlement
24 Agreement no later than 45 days, after the first mailing of the Class Notices.

25 **IT IS FURTHER ORDERED** that, in the event of final approval and the occurrence of the
26 Effective Settlement Date, all Participating Class Members, and their successors, shall conclusively
27 be deemed to have given full releases of the Released Claims against the Released Parties, and all
28

Class Members (other than opt outs) and their successors, shall be permanently enjoined and forever barred from asserting any Released Claims against any Released Party as described by the Settlement Agreement.

IT IS FURTHER ORDERED that, if for any reason the Court does not execute and file an Order of Final Approval and Judgment does not occur for any reason whatsoever, the Settlement Agreement and the proposed Settlement which is the subject of this Order and all evidence and proceedings had in connection therewith shall be without prejudice to the status quo ante rights of the parties to the litigation as more specifically set forth in the Settlement Agreement.

IT IS FURTHER ORDERED that, pending further order of this Court, all proceedings in this matter except those contemplated herein and in the Settlement Agreement are stayed.

The Court expressly reserves the right to adjourn or continue the Final Fairness Hearing from time to time without further notice to the Class.

IT IS SO ORDERED.

Dated: FFBI DEG



A handwritten signature in black ink, appearing to read "Stuart M. Rice", is written over the printed name.

Stuart M. Rice / Judge

Honorable Stuart M. Rice