

12/01/2023

David W. Slayton, Executive Officer / Clerk of Court

By: T. Lewis Deputy

FRANK H. KIM (SBN 264609)
fkim@helenkimlaw.com
HELEN U. KIM (SBN 260195)
helen@helenkimlaw.com
HELEN KIM LAW, APC
3435 Wilshire Blvd, Suite 2700
Los Angeles, CA 90010
Telephone: (323) 482-3300
Facsimile: (866) 652-7819

DARA TABESH (SBN 230434)
dara.tabesh@ecotechlaw.com
ECOTECH LAW GROUP, P.C.
5 Third Street, Suite 700
San Francisco, CA 94103
Telephone: (415) 503-9164
Facsimile: (415) 651-8639

Attorneys for Plaintiffs METH BANDARA, JUSTIN DUNGEE, CORY LEE GRANET, THOMAS PRICE, PORTIA BARTLEY, ASHA DOUCET, AND LAITH A. DE LA CRUZ

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

METH BANDARA; JUSTIN DUNGEE;
CORY LEE GRANET; THOMAS PRICE;
PORTIA BARTLEY; ASHA DOUCET; and
LAITH A. DE LA CRUZ, on behalf of
themselves and others similarly situated,

Plaintiffs,

v.

BONOBOS, INC, a Delaware corporation;
OBSERVATORY MARKETING, LLC, a
Delaware corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 20STCV27353

[Case Assigned for All Purposes to Hon.
David S. Cunningham, Dept. 11]

**~~PROPOSED~~ ORDER CONDITIONALLY
CERTIFYING A CLASS FOR
SETTLEMENT PURPOSES AND
PRELIMINARILY APPROVING CLASS
ACTION SETTLEMENT**

Date: November 8, 2023
Time: 9:00 a.m.
Dept.: 11

Complaint Filed: July 21, 2020
Trial Date: None Set

1 The motion by Plaintiffs Meth Bandara, Justin Dungee, Cory Lee Granet, Thomas Price,
2 Portia Bartley, Asha Doucet and Laith A. De La Cruz (“Named Plaintiffs”) to conditionally certify
3 a class for settlement purposes only and to preliminarily approve a class settlement under
4 California Code of Civil Procedure 382 was heard on November 8, 2023, in Department 11 of the
5 above-captioned Court, the Honorable David S. Cunningham presiding. Defendants Bonobos, Inc.
6 and Observatory Marketing, LLC, did not oppose Named Plaintiffs’ motion. Having considered
7 the papers and arguments of counsel, and good cause appearing, the Court hereby ORDERS as
8 follows:

9 1. The Court preliminarily approves the Settlement as set forth in the Settlement
10 Agreement as being fair, reasonable, and adequate.

11 2. This Order incorporates by reference all definitions in the parties’ CLASS ACTION
12 SETTLEMENT AGREEMENT AND CLASS NOTICE (“Settlement” or “Settlement
13 Agreement”) in the action entitled *Bandra et al., individually and on behalf of all others similarly*
14 *situated, v. Bonobos, Inc. et al.*, Case No. 20STCV27353 (the “Lawsuit”) and all terms used herein
15 shall have the same meanings as set forth in the Settlement Agreement.

16 3. The Court finds the requirements of Code of Civil Procedure 382 are satisfied for
17 purposes of settlement and conditionally certifies the following class for settlement purposes:

18 all persons who participated in Project 172/Evolve the Definition as
19 talent (models and actors) in which the fitting days took place on
20 March 23, 2018 through March 25, 2018, and the shoot took place
on March 26, 2018 and March 27, 2018, and who were paid a daily
rate for their participation in Project 172/Evolve the Definition.”

21 4. The Court finds Frank H. Kim and Helen U. Kim of Helen Kim Law, APC, and
22 Dara Tabesh of EcoTech Law Group, P.C., to be capable of adequately representing the
23 conditionally certified Settlement Class and are hereby appointed as joint Class Counsel.

24 5. The Court approves ILYM Group Inc. as the Settlement Administrator to perform
25 those duties and responsibilities as set forth in the Settlement Agreement, and such further duties
26 as may be required to effectuate the Settlement.

27 6. The Court approves, as to form and content, the Notice of Class Action Settlement
28 (“Proposed Notice”) attached to the Settlement Agreement.

1 7. The Court finds that the mailing of the Proposed Notice and methods for contacting
2 and locating the Settlement Class described in the Settlement Agreement constitutes the best notice
3 practicable under the circumstances, constitutes valid and sufficient notice to all of the Settlement
4 Class, and conforms with the requirements of California Code of Civil Procedure 382, California
5 Rules of Court 3.766 and 3.769, and due process.

6 8. Within 15 days from the date of entry of this order, Plaintiffs' Counsel and
7 Observatory Marketing, LLC, shall provide the Settlement Administrator with Class Data, which
8 may include, for each Class Member, name, last-known mailing address, phone number, e-mail
9 address, and/or Social Security number, but which cannot be verified by the Parties to be currently
10 accurate. The Settlement Administrator shall keep the Class Data confidential, except as to disclose
11 to Class Counsel the number of individuals in the Settlement Class, and will use it only for the
12 purposes described herein.

13 9. No later than 3 business days after receipt of the Class Data, the Settlement
14 Administrator shall notify Class Counsel that Class Data has been received, and state the number
15 of Class Members in the Class Data.

16 10. Within 14 days after receipt of the Class Data, the Settlement Administrator shall
17 mail a class notice to each Class Member via first-class regular U.S. mail and follow the procedures
18 set forth in the Settlement Agreement.

19 11. Not later than 7 business days after the Administrator's receipt of any Class Notice
20 returned by the USPS as undelivered, the Settlement Administrator shall re-mail the Class Notice
21 using any forwarding address provided by the USPS according to the procedures set forth in the
22 Settlement Agreement.

23 12. The Settlement Class will have 45 days from the mailing of the Class Notice (and
24 an additional 14 days if Class Notice is re-mailed) to opt-out of or object to the Class Settlement.
25 An individual in the Settlement Class who does not timely submit a written objection to the
26 Settlement Administrator may appear (or their representative may appear on their behalf) at the
27 Final Approval Hearing to present to the Court oral objections or concerns with the Settlement.
28 The Parties will be permitted to respond in writing to such objections prior to the Final Approval

1 hearing and orally at the Final Approval Hearing. Any individual in the Settlement Class who fails
2 to file and serve timely written objections in the manner specified above shall be deemed to have
3 waived any objections and shall be foreclosed from making any objection (whether by appeal or
4 otherwise) to the Settlement.

5 13. Individuals who wish to exclude themselves from the Settlement Class must timely
6 submit a written and signed letter with their name, address, and email address or telephone number,
7 and a statement that reasonably communicates that he or she does not want to participate in the
8 Settlement.

9 14. A written request for exclusion must be sent to the Settlement Administrator and
10 contain the full name, address, social security number, and telephone number, and identify the
11 action as Bandara, et al. v. Bonobos, Inc. and Observatory Marketing, LLC, Case No.
12 20STCV27353. The request must be made by the class member requesting exclusion.

13 15. A Final Approval hearing shall be held February 15, 2024, at 10:00 a.m., before
14 the Honorable David S. Cunningham in Department 11, 312 North Spring Street, Los Angeles,
15 CA 90012. At the Final Approval hearing, the Court shall determine whether the Settlement should
16 be finally approved as fair, reasonable, and adequate, and whether the terms of this Preliminary
17 Approval Order and any other applicable legal prerequisites to Judgment are satisfied. The Court
18 will also determine the amount properly payable for (i) the Fees Award and Costs Award, (ii)
19 Named Plaintiffs' Enhancement Payments, (iii) the Settlement Administration Costs, and (iv)
20 Class Member Payments.

21 16. The Parties and Settlement Administrator are directed to add the date and time of
22 the Final Approval hearing, the deadline to request exclusion from or object to the Settlement, and
23 information as applicable to the Proposed Notice.

24
25 **IT IS SO ORDERED.**

26
27 DATED: 12/01/2023



HONORABLE DAVID S. CUNNINGHAM
SUPERIOR COURT OF CALIFORNIA