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VENTURA SUPERIOR COURT

FILED

04/09/2024

Brenda L. McCormick
Executive Officer and Clerk

Elizabeth Muller
Elizabeth Muller

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA

GIANNA GRAZIANO, individually, and on
behalf of other members of the general public
similarly situated;

Plaintiff,

v.

SYNERGY SHIPPING LLC, a California
corporation; and DOES 1 through 100,
inclusive;

Defendants.

Case No.: 56-2022-00568488-CU-OE-VTA

Assigned for All Purposes to:
Honorable Ronda J. McKaig
Department 41

CLASS ACTION

**~~[PROPOSED]~~ AMENDED ORDER
GRANTING PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT, CONDITIONAL
CERTIFICATION, APPROVAL OF
CLASS NOTICE, SETTING OF FINAL
APPROVAL HEARING DATE**

Hearing Date: March 29, 2024
Hearing Time: 8:20 a.m.
Hearing Place: Department 41

Complaint Filed: July 27, 2022
FAC Filed: June 27, 2023
Trial Date: None Set

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 The Motion for Preliminary Approval of Class Action Settlement came before this Court,
3 the Honorable Ronda J. McKaig presiding, on March 29, 2024 at 8:20 a.m. The Court, having
4 considered the papers submitted in support of the Motion, **ORDERS THE FOLLOWING:**

5 1. The following Class is conditionally certified for purposes of settlement only: all
6 current and former hourly-paid or non-exempt employees of Defendant Synergy Shipping LLC
7 (“Defendant”) within the State of California at any time during the period from July 22, 2019,
8 through August 21, 2023 (“Class,” “Class Members,” and Class Period”).

9 2. The Court grants preliminary approval of the settlement based upon the terms set
10 forth in the Class Action and PAGA Settlement Agreement (“Settlement Agreement,”
11 “Settlement,” or “Agreement”). Attached hereto as **Exhibit 1** is a true and correct copy of the
12 Agreement. Capitalized terms shall have the definitions set forth in the Agreement.

13 3. The settlement embodied in the Settlement Agreement appears to be fair, adequate,
14 and reasonable to the Class. The Settlement Agreement falls within the range of reasonableness and
15 appears to be presumptively valid, subject only to any objections that may be raised at the Final
16 Approval Hearing.

17 4. Plaintiffs Gianna Graziano and Ethan Burch (“Plaintiffs”) are conditionally
18 approved to serve as the class representatives.

19 5. Douglas Han, Shunt Tatavos-Gharajeh, and Halina Szymanski of Justice Law
20 Corporation are conditionally approved as Class Counsel for the Class.

21 6. The Court confirms ILYM Group, Inc. as the Administrator.

22 7. The proposed Gross Settlement Amount of \$85,000 is conditionally approved.

23 8. The proposed payment of the Class Counsel Fees Payment to Class Counsel not to
24 exceed \$28,333.33 (1/3 of the Gross Settlement Amount) and Class Counsel Litigation Expenses
25 Payment to Class Counsel for actual litigation costs incurred not to exceed \$20,000 are
26 conditionally approved.,

27 9. The proposed Class Representative Service Payments not to exceed \$3,000 to each
28 Plaintiff (totaling \$6,000) for their services as the class representatives are conditionally approved.

1 10. The proposed payment of the Administration Expenses Payment not to exceed
2 \$10,000 to the Administrator for its services is conditionally approved.

3 11. The Court also conditionally approves the Private Attorneys General Act of 2004
4 (“PAGA”) Penalties not to exceed \$7,500 the Parties have allocated for the settlement of the claims
5 for PAGA penalties stemming from the alleged Labor Code violations. Seventy-five percent (75%)
6 of the PAGA Penalties (\$5,625) will be paid to the California Labor and Workforce Development
7 Agency, and the remaining twenty-five percent (25%) of the PAGA Penalties (\$1,875) will be paid
8 to the Aggrieved Employees, on a pro rata basis.

9 12. A Final Approval Hearing on the question of whether the Settlement Agreement,
10 Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, and Class
11 Representative Service Payments should be finally approved as fair, reasonable, and adequate as to
12 all Class Members who do not submit valid and timely Requests for Exclusion from the Settlement
13 is scheduled on the date and time set forth below.

14 13. The Court approves, as to form and content, the Court Approved Notice of Class
15 Action Settlement and Hearing Date for Final Court Approval (“Class Notice”), as attached as
16 **Exhibit A** to the Agreement. The Court also approves the procedure for Class Members to
17 participate in, to opt out of, and to object to the Settlement as set forth in the Class Notice.

18 14. The Court directs the mailing of the Class Notice to all identified Class Members
19 via first-class United States Postal Service mail in accordance with the implementation schedule set
20 forth below. The Court finds the dates selected for the mailing and distribution of the Class Notice,
21 as set forth in the implementation schedule below, meet the requirements of due process, provide
22 the best notice practicable under the circumstances, and shall constitute due and sufficient notice to
23 all persons entitled.

24 15. To facilitate administration of the Settlement pending final approval, the Court
25 hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any claims, suits, or
26 administrative proceedings (including, but not limited to, filing claims with the Division of Labor
27 Standards Enforcement of the California Department of Industrial Relations) based on claims
28 released by the Settlement unless and until such Class Members have filed valid requests for

1 exclusion with the Administrator and the time for filing valid requests for exclusion with the
2 Administrator has not elapsed.

3 16. The Court orders the following implementation schedule for further proceedings:

4 a.	Deadline for Defendant to submit Class Data to Administrator	No later than thirty (30) calendar days after the Court grants Preliminary Approval of the Settlement
5 b.	Deadline for Administrator to mail the Class Notice to Class Members	No later than fourteen (14) calendar days after receiving the Class Data
6 c.	Deadline for Class Members to postmark requests for exclusion, written objections, and written disputes to the Administrator	Within forty-five (45) calendar days from the initial mailing of the Class Notice
7 d.	Deadline for Class Members to postmark requests for exclusion, written objections, and written disputes to the Administrator if the Class Notice was remailed	Within an additional fourteen (14) calendar days beyond the Response Deadline
8 e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, and Class Representative Service Payments	Within sixteen (16) court days before Final Approval Hearing in conformity with Code of Civil Procedure section 1005
9 f.	Final Approval Hearing	July 26, 2024 at 8:20 a.m. in Department 41
10 g.	Funding date for the first 50% of the Gross Settlement Amount	August 26, 2024
11 h.	Funding date for the second 50% of the Gross Settlement Amount	August 25, 2025
12 i.	Deadline for Class Counsel to file Declaration of Compliance	Within five (5) court days before Final Accounting Hearing
13 j.	Final Accounting Hearing	March 20, 2026 at 8:20 a.m. in Department 41

14 Dated: 04/08/2024

15 IT IS SO ORDERED.

16 By: 

17 Honorable Ronda J. McKaig
18 Judge of the Superior Court