

JUDGES COPY

10-14

John G. Yslas (SBN 187324)  
[john.yslas@wilshirelawfirm.com](mailto:john.yslas@wilshirelawfirm.com)  
Diego Aviles (SBN 315533)  
[diego.aviles@wilshirelawfirm.com](mailto:diego.aviles@wilshirelawfirm.com)  
Harry Erganyan (SBN 333091)  
[harry.erganyan@wilshirelawfirm.com](mailto:harry.erganyan@wilshirelawfirm.com)  
Mariam M. Nazaretyan (SBN 334154)  
[mariam.nazaretyan@wilshirelawfirm.com](mailto:mariam.nazaretyan@wilshirelawfirm.com)  
Samantha A. Smith (SBN 233331)  
[Samantha.smith@wilshirelawfirm.com](mailto:Samantha.smith@wilshirelawfirm.com)  
**WILSHIRE LAW FIRM**  
3055 Wilshire Blvd., 12th Floor  
Los Angeles, California 90010  
Telephone: (213) 381-9988  
Facsimile: (213) 381-9989

*Attorneys for Plaintiff*

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

OCT 14 2024

BY Jessica Garcez  
JESSICA GARCEZ, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO**

JACQUELINE GARCIA, individually, and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

1st COMMERCIAL REALTY GROUP, INC., a  
California corporation; and DOES 1 through 10,  
inclusive,

*Defendants.*

Case No.: CIVSB2226900

**CLASS ACTION**

*[Assigned for all purposes to: Joseph T. Ortiz,  
Dept. S17]*

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

*[Filed with Notice of Motion and Motion,  
Memorandum of Points and Authorities, the  
Declaration of John G. Yslas, and the  
Declaration of Plaintiff Garcia]*

**PRELIMINARY APPROVAL HEARING**

Date: October 14, 2024

Time: 1:30 p.m.

Dept: S17

Complaint filed: November 30, 2022  
Trial date: Not set

1 **[PROPOSED] ORDER**

2 Having reviewed Plaintiff Jacqueline Garcia's Motion for Preliminary Approval of Class  
3 Action Settlement ("Motion"), the Declaration of John G. Yslas, Plaintiff's declaration, and the  
4 Class Action and PAGA Settlement Agreement and Class Notice ("Settlement Agreement"),  
5 and good cause appearing, the Court finds and orders as follows:

6 1. The Court finds on a preliminary basis that the Settlement Agreement appears to  
7 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.  
8 The Court grants preliminary approval of the Settlement and the Settlement Class based on the  
9 terms set forth in the Settlement Agreement between Plaintiff and Defendant 1st Commercial  
10 Realty Group, Inc. ("Defendant"), attached to the Declaration of John G. Yslas in Support of  
11 Plaintiffs' Motion for Preliminary Approval of Class Action Settlement as **Exhibit 1**.

12 2. The Settlement falls within the range of reasonableness of a settlement which  
13 could ultimately be given final approval by this Court, and appears to be presumptively valid,  
14 subject only to any objections that may be raised at the Final Approval Hearing and final  
15 approval by this Court. The Court notes that Defendant has agreed to create a common fund of  
16 \$135,000.00 to cover (a) settlement payments to Class Members who do not validly opt out; (b)  
17 a \$10,000.00 allocation toward civil penalties under the Private Attorneys General Act, 75% of  
18 which (\$7,500.00) will be paid to the State of California, Labor & Workforce Development  
19 Agency and 25% of which (\$2,500.00) will be paid to eligible Aggrieved Employees; (c) Class  
20 Representative service payment of up to \$7,500.00 to Plaintiff; (d) Class Counsel's attorneys'  
21 fees, not to exceed 33 and 1/3% of the Gross Settlement Amount (i.e., \$44,995.50), and up to  
22 \$15,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement  
23 Administration Costs of up to \$6,950.00.

24 3. The Court preliminarily finds that the terms of the Settlement appear to be within  
25 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and  
26 applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair  
27 and reasonable to the Class Members when balanced against the probable outcome of further  
28 litigation relating to class certification, liability and damages issues, and potential appeals; (2)

1 significant informal discovery, investigation, research, and litigation have been conducted such  
2 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;  
3 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented  
4 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as  
5 the result of intensive, serious, and non-collusive negotiations between the Parties with the  
6 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds  
7 that the Settlement Agreement was entered into in good faith.

8 4. A final fairness hearing on the question of whether the proposed Settlement,  
9 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &  
10 Workforce Development Agency for its share of the settlement of claims for penalties under the  
11 Private Attorneys General Act, and the class representatives' enhancement awards should be  
12 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set  
13 in accordance with the Implementation Schedule set forth below.

14 5. The Court provisionally certifies for settlement purposes only the following class  
15 (the "Class"): "all current or former hourly-paid or non-exempt employees who worked for  
16 Defendant in California during the Class Period who do not timely opt out of the settlement."

17 6. "Class Period" means the period from November 30, 2018 to April 15, 2024.

18 7. The Court finds, for settlement purposes only, that the Settlement Class meets the  
19 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the  
20 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions  
21 of law and fact that are common, or of general interest, to all Settlement Class Members, which  
22 predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the  
23 Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect  
24 the interests of the Settlement Class Members; and (5) a class action is superior to other  
25 available methods for the fair and efficient adjudication of the controversy.

26 8. The Court appoints as Class Representatives, for settlement purposes only,  
27 Plaintiff. The Court further preliminarily approves Plaintiffs' ability to request an incentive  
28 award up to \$7,500.00.

1           9.     The Court appoints, for settlement purposes only, John G. Yslas, Diego Aviles,  
2 Harry Erganyan, Mariam Nazaretyan and John Brown of Wilshire Law Firm, PLC as Class  
3 Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys'  
4 fees of up to 33 1/3% of the Total Settlement Amount (i.e., \$44,995.50), and costs not to exceed  
5 \$15,000.00.

6           10.    The Court appoints ILYM Group, Inc. as the Settlement Administrator with  
7 reasonable administration costs estimated not to exceed \$6,950.00.

8           11.    The Court approves, as to form and content the Class Notice, attached to the  
9 Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the  
10 Notice to Settlement Class Members satisfies due process, provides the best notice practicable  
11 under the circumstances, and shall constitute due and sufficient notice to all persons entitled  
12 thereto.

13          12.    The Parties are ordered to carry out the Settlement according to the terms of the  
14 Settlement Agreement.

15          13.    Any Class Member who does not timely and validly request exclusion from the  
16 Settlement may object to the Settlement Agreement.

17          14.    The Court orders the following Implementation Schedule:

18 Defendant to provide Class List to the	November 4, 2024 – 21 days after
19 Settlement Administrator	preliminary approval hearing
20 Settlement Administrator to mail the Notice	November 7, 2024 – 3 court days after
21 Packets	receipt of Class Data
22 Class Member Response Deadline	December 23, 2024 – 45 days after sending
23	Notice to Class
24 Class Member Deadline to Object	December 23, 2024 – 45 days after sending
25	Notice to Class
26 Deadline for Administrator to Submit Report	January 20, 2025 – 14 days before deadline
27	to file Motion for Final Approval





SUPERIOR COURT OF CALIFORNIA  
County of San Bernardino  
San Bernardino District – Civil Division  
247 West Third Street  
San Bernardino, CA 92415-0210

RETURN  
SERVICE  
REQUESTED

PRESORTED  
FIRST CLASS

neopost

10/17/2024

US POSTAGE \$000.62

FIRST-CLASS MAIL  
AUTO-IM1



ZIP 92415  
041L12204997

Wilshire Law Firm  
3055 Wilshire Blvd.  
12th Floor  
Los Angeles, CA 90010

RECEIVED

OCT 21 2024

BY:

W & H

233360

IGKQFMB 90010

