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15 Attorneys for Plaintiff Jose A. Tovar Garcia,
16 on behalf of himself and others similarly situated

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **FOR THE COUNTY OF LOS ANGELES—SPRING STREET COURTHOUSE**

19 JOSE A. TOVAR GARCIA, on behalf of
20 himself and others similarly situated,

21 Plaintiff,

22 vs.

23 GENERAL WAX CO., INC.; GENERAL
24 WAX & CANDLE CO., INC.; and DOES 1 to
25 100, inclusive,

26 Defendants.

Case No.: 22STCV24381

CLASS ACTION

*[Assigned to the Honorable David S.
Cunningham III for all purposes, Department
11]*

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

*[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement; Declaration of Antonia McKee in
Support Thereof]*

Hearing Information:

Date: February 7, 2024

Time: 10:00 a.m.

Dept.: 11

27 The Motion for Preliminary Approval of a Settlement came before this Court on February 7,
28 2024 at 10:00 a.m. in Department 11 of Los Angeles County Superior Court located at 312 N.

~~PROPOSED~~ ORDER

1 Spring St., Los Angeles, California 90012. The Court, having considered the proposed Class
2 Action and PAGA Settlement Agreement and Class Notice entered into by and between Plaintiff
3 Jose A. Tovar Garcia ("Plaintiff") and Defendants General Wax Co., Inc., and General Wax &
4 Candle Co., Inc. ("Defendants") attached as Exhibit 1 to the Declaration of Antonia McKee in
5 Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement, and the Exhibits
6 attached thereto (hereafter collectively, the "Settlement" or "Settlement Agreement"); having
7 considered the Motion for Preliminary Approval of Class Action Settlement filed by the parties;
8 having considered the respective points and authorities and declarations submitted by the parties in
9 support thereof; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

17 A person employed by Defendant in California and classified as an hourly,
18 non-exempt employee who worked for Defendant during the Class Period.

19 1. The "Class Period" is the period from July 28, 2018, through March 15, 2023.

20 2. For purposes of the settlement, the Court further designates named Plaintiff Jose A.
21 Tovar Garcia as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., Antonia
22 McKee, Esq., and Eve Howe, Esq. of Lavi & Ebrahimian, LLP, as Class Counsel.

23 3. The Court appoints ILYM Group, Inc. as the Settlement Administrator.

24 4. A final fairness hearing on the question of whether the proposed settlement should
25 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
26 Department 11 of this Court, located at 312 N. Spring St., Los Angeles, California 90012, on
27 August 14, 2024, at 10:00 a.m.

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1 5. At the final fairness hearing, the Court will consider: (a) whether the settlement
2 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
3 approval of the settlement should be entered; and (c) whether Plaintiff's application for an award of
4 Class Counsel Fees, Class Counsel Expenses, and Class Representative Service Payment should be
5 granted.

6 6. Counsel for the parties shall file memoranda, declarations, or other statements and
7 materials in support of their request for final approval by no later than 16 court days prior the final
8 fairness hearing.

9 7. Class Counsel shall file a motion for an award of Class Counsel Fees, Class
10 Counsel Expenses, and Class Representative Service Payment by no later than 16 court days prior
11 to the final fairness hearing.

12 8. The Court approves, as to form and content, the Class Notice which is attached to
13 the Settlement as **Exhibit 1.**

14 9. No later than fifteen (15) calendar days following the date the Court enters this
15 order, Defendant shall provide the following information to the Settlement Administrator: Class
16 Member identifying information in Defendant's possession including the Class Member's name,
17 last-known mailing address, Social Security number, and number of Class Period Workweeks and
18 PAGA Pay Periods ("Class Data").

19 10. Within fourteen (14) calendar days after receiving the Class Data, the Settlement
20 Administrator shall disseminate the Class Notice to all the Class Members identified in the Class
21 Data by first-class U.S. Mail.

22 11. Class Members shall have sixty (60) calendar days from the date the Settlement
23 Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion
24 from the Settlement or fax, email, or mail an Objection to the Settlement ("Response Deadline").
25 Class Members to whom Notice Packets are resent after having been returned undeliverable to the
26 Administrator shall have an additional fourteen (14) calendar days beyond the Response Deadline
27 has expired.

1 12. The Court finds that the forms of Class Notice to the Class regarding the pendency
2 of the action and of this settlement, and the methods of giving notice to members of the
3 Settlement Class constitute the best notice practicable under the circumstances and constitute
4 valid, due, and sufficient notice to all members of the Class. They comply fully with the
5 requirements of California Code of Civil Procedure section 382, California Civil Code section
6 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
7 and other applicable law.

8 13. The Court further approves the procedures for Class Members to participate in, opt
9 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

10 14. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
11 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not
12 later than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for
13 Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter from a Class
14 Member or his/her representative that reasonably communicates the Class Member's election to
15 be excluded from the Settlement and includes the Class Member's name, address and email
16 address or telephone number. To be valid, a Request for Exclusion must be timely faxed, emailed,
17 or postmarked by the Response Deadline.

18 15. Participating Class Members may send written objections to the Administrator, by
19 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire
20 an attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A
21 Participating Class Member who elects to send a written objection to the Administrator must do
22 so not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional
23 14 days for Class Members whose Class Notice was re-mailed).

24 16. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
25 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
26 Order, are stayed.

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

4 18. The Court orders the following Implementation Schedule for further proceedings:

| Event | Timing |
|---|--|
| Class Data: Last day for Defendant to provide the Settlement Administrator the Class Database | 15 calendar days after the Court's entry of this Order |
| Notice Date: last day for Administrator to mail Class Notice to Class Members. | 14 calendar days after receipt of the Class Data |
| Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections | 60 calendar days after the date of mailing of the Class Notice |
| Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement. | 16 court days prior to the final fairness hearing |
| Last day for parties to file motion and supporting documents for final approval of class action settlement. | 16 court days prior to the final fairness hearing |
| Last day for the Parties to respond to Objections | 10 calendar days prior to the final fairness hearing |
| Hearing on final approval of class action settlement. | August 14, 2024 at 10:00 a.m. |

17 19. The Fairness Hearing and related prior deadlines set forth above may, from time to
18 time and without further notice to the Class (except those who have filed timely and valid
19 objections), be continued or adjourned by Order of the Court.

21 **IT IS SO ORDERED.**

23 Dated: 02/29/2024



Hon. David S. Cunningham III
Judge of the Superior Court