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LEANNE EIDEN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST**

LEANNE EIDEN, individually, and on behalf of
other similarly situated,

Plaintiff,

vs.

OLIVE & JUNE, LLC, a California Limited
Liability Corporation, and DOES 1-50,

Defendants.

CLASS ACTION COMPLAINT

CLASS ACTION

Case No.: BC654685

Hon. William F. Highberger
Dept.: 322

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

HEARING DATE: August 29, 2017

HEARING TIME: 1:30 P.M.

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

AUG 30 2017

Sherri R. Carter, Executive Officer/Clerk
By: Alfredo Morales, Deputy

RECEIVED
Central Civil West

AUG 07 2017

By: R. Nazaryan

1 On August 29, 2017, the Motion for Preliminary Approval (“MPA”) of Class Action
2 Settlement filed by the Plaintiffs in the above-entitled matter was heard in Department 322 of the
3 above-captioned Court, the Honorable William F. Highberger presiding.

4 The Court, having fully reviewed the MPA, the supporting Points and Authorities, and the
5 declaration filed in support thereof, including the Notice of Class Action Settlement, the Opt-Out
6 Form, and the Objection Form, which are attached as exhibits to the Davis Declaration; and having
7 carefully analyzed the Settlement Agreement and the proposed Notice of Class Action Settlement,
8 and in recognition of the Court’s duty to make a preliminary determination as to the reasonableness
9 of any proposed class action settlement, and if preliminarily determined to be reasonable, to ensure
10 proper notice is provided to Class Members in accordance with due process requirements; and to set
11 a Final Fairness Hearing to consider the proposed Settlement as to the good faith, fairness, adequacy
12 and reasonableness of any proposed settlement, **THE COURT HEREBY MAKES THE**
13 **FOLLOWING DETERMINATIONS AND ORDERS:**

14 1. Terms and phrases used in this Order shall have the same meaning as ascribed to them in the
15 Joint Stipulation of Settlement and Release (“Settlement Agreement” or “Settlement”).

16 2. The Court finds on a preliminary basis that the Settlement Agreement, the Notice of Class
17 Action Settlement appear to be within the range of reasonableness of a settlement which could
18 ultimately be given final approval by this Court. The Court notes that Defendant Olive & June, LLC
19 (“Defendant”) has agreed to pay the Gross Fund Value of \$280,000, out of which Defendants will
20 pay the Court-approved attorneys’ fees and costs, Class Representative Service Award, payment to
21 the California Labor and Workforce Development Agency, the Settlement Administrator’s expenses,
22 and the payments to each individual Class Member.

23 3. It appears to the Court on a preliminary basis that the terms of the Settlement are within the
24 range of reasonableness that ultimately could be granted approval by the Court at the Final Fairness
25 Hearing, when balanced against the probable outcome of further litigation relating to a motion to
26 compel arbitration, class certification, liability and damages issues, Defendant’s potential filing for
27 bankruptcy or liquidation, and potential appeals; it further appears that sufficient discovery,
28 investigation, research, and litigation have been conducted such that counsel for the Parties at this

1 time are able to reasonably evaluate their respective positions; it further appears that settlement at
2 this time will avoid substantial costs, delay and risks that would be presented by the further
3 prosecution of the litigation; it further appears that the proposed Settlement has been reached as the
4 result of intensive, serious and non-collusive negotiations between the parties, through the use of a
5 mediator; it further appears that for purposes of the Settlement, the proposed Class is ascertainable
6 and there is a sufficiently well-defined community of interest among the class in questions of law
7 and fact;

8 4. Accordingly, good cause appearing, Plaintiff's MPA is hereby **GRANTED**. As such, the
9 Court hereby accepts and incorporates the parties' Settlement Agreement and orders that the Class
10 be **conditionally certified** for settlement purposes pursuant to the terms contained in said Settlement
11 Agreement.

12 5. The Court finds that the Notice of Class Action Settlement, attached hereto and to the Davis
13 Declaration, fairly and adequately advise Class Members of the following: the pendency of the Class
14 Action; the certification of the Class for settlement purposes; preliminary Court approval of the
15 proposed Settlement Agreement; the date of the Final Fairness Hearing; the terms of the proposed
16 Settlement and the benefits available to Class Members thereunder; Class Members' rights to submit
17 a claim, opt-out, or to object, and the procedures for exercising those rights; and the Class Members'
18 rights to submit documentation in opposition to the proposed Settlement. The Court further finds that
19 said Notice of Class Action Settlement comports with all constitutional requirements, including
20 those of due process;

21 6. Accordingly, good cause appearing, the Court hereby **APPROVES** the Notice of Class
22 Action Settlement.

23 7. The mailing to the addresses of Class Members as specifically described within the
24 Settlement Agreement constitutes an effective method of notifying Class Members of their rights
25 with respect to the Class Action and Settlement;
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1 Accordingly, it is hereby **ORDERED**:

2 a. Simpluris, Inc. is the Settlement Administrator;

3 b. Named Plaintiff LeAnne Eiden is the Class Representative;

4 c. The following Service Award to Named Plaintiffs are preliminary approved: \$7,500
5 for Plaintiff Eiden

6 d. Heather Davis, Esq. and Amir Nayebdadash of Protection Law Group, LLP and
7 Mazyar K. Shamshoni of Shamshoni Law Firm, APC are hereby appointed as Class Counsel;

8 e. The request for Class Counsel's attorneys' fees and costs as sought in the MPA is
9 preliminarily approved;

10 f. The LWDA payment is preliminarily approved;

11 g. The Settlement Administrator's fee is preliminarily approved;

12 h. Within fifteen (15) calendar days after the date this Order is signed by the Court,
13 Defendants shall provide the Settlement Administrator with the Class Data List;

14 i. Within thirty (30) calendar days after receiving the Class Information from
15 Defendant, the Settlement Administrator shall mail, by U.S. First Class, to Class Members the Class
16 Notice;

17 j. Opt-out Forms must be submitted by Class Members to the Settlement Administrator
18 by the response deadline stated in the Notice of Settlement (45 calendar days after the Class Notice
19 is mailed to the Class Members by the Settlement Administrator);

20 k. Objection Forms must be submitted by Class Members to the Settlement
21 Administrator by the response deadline stated in the Notice of Settlement (45 calendar days after the
22 Class Notice is mailed to the Class Members by the Settlement Administrator), and must include the
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1 Class Member's name, address, and last four digits of his/her Social Security number, and state the
2 basis of the objection.

3 l. On 12/21 2017 at 10 am, at the above-
4 captioned court, this Court will hold a Final Fairness Hearing to consider the fairness, adequacy and
5 reasonableness of the proposed Settlement preliminarily approved by this Order, including Class
6 Counsel's request for an award of reasonable attorney's fees and costs; the Service Award to the
7 Name Plaintiff; the Settlement Administrator's Fee;

9 m. Class Counsel shall submit its Motion for Final Approval and Request for Fees no
10 later than 11/29, 2017.

11 n. If for any reason the Court does not execute and file an Order of Final Approval or
12 Judgment, or if the Effective Date, as defined in the Settlement Agreement, does not occur for any
13 reason whatsoever, the Settlement Agreement and the proposed Settlement that is the subject of this
14 Order, and all evidence and proceedings had in connection therewith, shall be without prejudice to
15 the status quo ante rights of the Parties to the litigation, as more specifically set forth in the
16 Settlement Agreement;

17 o. Pending further order of this Court, all proceeding in this matter, except those
18 contemplated herein and in the Settlement, are **STAYED**.

19 p. The Court expressly reserves the right to adjourn or continue the Final Fairness
20 hearing from time to time without further notice to the Class Members.

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25 DATED: 8/30, 2017

WILLIAM F. HIGHBERGER

Hon. William F. Highberger
Judge of the Superior Court