

1 Thomas E. Duckworth (SBN 152369)
(tom@duckworthpeters.com)
2 J. Erik Heath (SBN 304683)
(erik@duckworthpeters.com)
3 DUCKWORTH & PETERS LLP
369 Pine Street, Suite 410
4 San Francisco, California 94104
Telephone: (415) 433-0333
5 Facsimile: (415) 449-6556

6
7 Attorneys for Plaintiff
IRINA LOGINOVA and the Class

8 CLIFFORD E. YIN (State Bar No. 88049)
KENNETH NABITY (State Bar No. 287927)
9 COBLENTZ PATCH DUFFY & BASS LLP
One Montgomery Street, Suite 3000
10 San Francisco, California 94104-5500
Telephone: 415.391.4800
11 Facsimile: 415.989.1663
Email: ef-cey@cpdb.com
12 ef-kpn@cpdb.com

13 Attorneys for Defendant THE RUSSIAN
SCHOOL OF MATHEMATICS, INC.
14

15
16 SUPERIOR COURT OF CALIFORNIA
17 IN AND FOR THE COUNTY OF ALAMEDA
18 (Unlimited Jurisdiction)

19
20
21 IRINA LOGINOVA, and those similarly
22 situated,
23 Plaintiff,
24 v.
25 THE RUSSIAN SCHOOL OF
26 MATHEMATICS, INC., DOES 1-10,
27 Defendants.

Case No. RG18919000

CLASS ACTION

**ORDER: (1) CERTIFYING CLASS
ACTION FOR SETTLEMENT
PURPOSES; (2) GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT;
(3) APPROVING CLASS COUNSEL
AND REPRESENTATIVE; AND
(4) SCHEDULING A FINAL
APPROVAL HEARING DATE**

**ENDORSED
FILED
ALAMEDA COUNTY**

JAN 15 2019

CLERK OF THE SUPERIOR COURT
By Jhalisa Castaneda Deputy

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Reservation No. R-2017541

Date: January 15, 2018

Time: 3:00 p.m.

Dept.: 23

Judge: The Honorable Brad Seligman

The Joint Motion for Preliminary Approval of Class Action Settlement came for hearing before this Court on December 18, 2018 and again on January 15, 2018. The Court, having considered the papers submitted in support of the motion, **HEREBY ORDERS THE FOLLOWING:**

CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS

1. Pursuant to Code of Civil Procedure section 382, a class action may be maintained by an employee or employees on behalf of others “when the question is one of a common or general interest ... or when the parties are numerous, and it is impracticable to bring them all before the court.” Cal. Civ. Proc. Code § 382. The Court finds and concludes for settlement purposes that the Class is ascertainable, and there is a well-defined community of interest in the litigation, and on that basis, conditionally certifies the Class for settlement purposes only and authorizes the issuance of notice as set forth herein. The Class consists of all individuals who worked as non-exempt, hourly teachers at the Russian School of Mathematics from March 2, 2014 to August 8, 2018.
2. In conditionally certifying the class, the Court finds and concludes, for settlement purposes, as follows:
 - a. Members of the Class are sufficiently numerous that joinder would be impractical;
 - b. The Class Members share common questions of law and fact, including:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. Whether RSM maintained a policy and practice of failing to pay the hourly teachers for all hours worked, and whether any policy maintained violates California law;
2. Whether RSM maintained a policy and practice of failing to pay the minimum wage for all hours worked that is an unlawful, unfair or fraudulent business act or practice, and whether any policy maintained violates California Business and Professions Code § 17200, et seq.;
3. Whether RSM maintained a policy and practice of failing to provide accurate wage statements, and whether any policy maintained violates California labor laws;
4. Whether RSM maintained a policy and practice of failing to provide employees with duty free meal and rest breaks, and whether any policy maintained violates California labor laws;
5. The proper formula for calculating restitution, damages and waiting time penalties owed to Plaintiff and the Class.

- c. The Representative Plaintiff's claims are typical of the Class;
- d. The Representative Plaintiff and Class Counsel have adequately represented the interests of the class.

PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

3. The Court grants preliminary approval of the Settlement, as set forth in the Class Settlement Agreement attached to the Supplemental Declaration of Thomas E. Duckworth as Exhibit A. The Settlement appears to have been the product of serious, informed and extensive arm's-length negotiations between the Parties and is well within the range of possible final approval – that is, it appears at this stage to be fair, adequate and reasonable to the Settlement Class.

APPOINTMENT OF CLASS COUNSEL AND REPRESENTATIVE

4. The Court appoints Duckworth & Peters, LLP as Class Counsel and Irina Loginova as

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Class Representative.

APPOINTMENT OF CLAIMS ADMINISTRATOR

- 5. Simpluris is appointed as the Claims Administrator, subject to its execution of a contract in a form agreeable to the Parties and shall perform all duties and responsibilities of the Claims Administrator as set forth in that Agreement and this Order.

APPROVAL OF CLASS NOTICES, CLAIM FORMS AND NOTICE PLAN

- 6. The Court approves, as to form and content, the Notice of Class Action Settlement in substantially the form attached as Attachment 1 to Exhibit A of the Supplemental Duckworth Declaration.
- 7. The Court approves the procedure for Settlement Class Members to participate in, to opt out of, and to object to the Settlement as set forth in the Class Notice.
- 8. The Court directs the distribution of the Notice by first-class mail and email to the Settlement Class Members in accordance with the implementation schedule as described below. The Court finds the content and process for providing notice to the Settlement Class Members, as set forth in the Class Notice, fulfills the requirements of California Rule of Civil Procedure Sec. 384 and due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all Settlement Class Members.

FINAL APPROVAL HEARING

- 9. The Court hereby sets a hearing (“Final Approval Hearing”) to take place on June 25, 2019 at 3:00 p.m. (R-2039746) in Department 23 of the Alameda County Superior Courthouse, 1221 Oak Street, Oakland, CA 94612. At the Final Approval Hearing, the Court will consider: whether to give final approval to the Settlement as fair, reasonable and adequate to the Settlement Class; whether to enter final judgment in this case; whether to approve the incentive payment as set forth in the Settlement Agreement; whether to award attorneys’ fees and costs to Class Counsel, and if so, in what amounts; and any other matters as the Court should deem necessary.

IMPLEMENTATION SCHEDULE

30 Days after entry of Court's order granting Preliminary Approval:	Deadline for RSM to Provide Class List to Settlement Administrator
45 Days after entry of Court's order granting Preliminary Approval:	Deadline for Settlement Administrator to Mail the Class Notice to Class Members and Establish a Settlement Website
60 days after mailing of Class Notice:	Last Day for Class Members to Opt Out of the Settlement or Submit Written Objections to the Settlement
80 days after mailing of Class Notice:	Last day for Class Members to Submit Written Objections to Attorney's Fee, Costs, and Enhancement Award
7 days prior to Final Approval Hearing:	Deadline for Plaintiff and Defense Counsel to Respond to any Objections to Settlement
Final Approval Hearing:	June 25, 2019

IT IS SO ORDERED.

Date: January 15, 2019

BRAD SELIGMAN

 THE HONORABLE JUDGE BRAD SELIGMAN