



MAR 7 - 2018

CLERK OF THE COURT  
BY: [Signature]  
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

ROBERT ORTIZ, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

VALLEY RELOCATION AND  
STORAGE OF NORTHERN  
CALIFORNIA, INC. and DOES 1 through  
50, inclusive,

Defendants.

Case No. CGC-14-542925

**CLASS ACTION**

**ORDER GRANTING REVISED MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Plaintiff Robert Ortiz filed a motion for preliminary approval of the class action settlement reached with Defendants. This Court held a hearing on the motion on January 30, 2018. The motion was denied without prejudice and Plaintiff filed a Revised Motion for Preliminary Approval of Class Action Settlement (“Motion”) seeking preliminary Court approval of the parties’ settlement of this action (“Settlement”) on the terms set forth in the Revised Stipulated Joint Settlement Agreement (“Settlement Agreement”). On the basis of the proposed Settlement Agreement, the filings related to the Motion, and the arguments of counsel,

**IT IS HERBY ORDERED:**

1. Capitalized terms used in this Order that are not otherwise identified herein have the meaning assigned to them in the Settlement Agreement.
2. The terms of the Settlement Agreement are hereby preliminarily approved, subject to further consideration at the Fairness Hearing provided for below. The Settlement is sufficiently within the range of reasonableness to warrant preliminary approval, certification of the Settlement Class, the scheduling of the Fairness Hearing, and the mailing of notices to Class Members, as

1 provided for in this Order.

2 3. On March 30, 2016, the Court granted Plaintiff's contested Motion for Class Certification  
3 for the following class: "All individuals who have personally made one or more deliveries for  
4 Defendants in California, while being classified by Defendants as an independent contractor at any  
5 time beginning four years before the filing of this Complaint until resolution of this action."

6 4. The Class defined in the proposed Settlement Agreement is defined as: "Any individuals  
7 who have signed Defendant's Subhaul Agreement and who have personally made one or more  
8 deliveries for Defendant in California, at any time between November 26, 2010 and November 13,  
9 2017, excluding the two individuals who opted out of this case pursuant to the Class Notice mailed  
10 out on June 23, 2016."

11 5. In light of the Court's previous Order granting class certification, the substantial  
12 similarity between the class definition proposed in the Settlement Agreement and the class definition  
13 previously certified in this case, and the reasonableness of the proposed changes to the class  
14 definition, the Court finds that the proposed settlement class meets the criteria for certification under  
15 C.C.P. § 382. Specifically, for settlement purposes: (1) the proposed settlement class is numerous  
16 and ascertainable; (2) there are predominant common questions of law or fact; (3) Plaintiff's claims  
17 are typical of the claims of the members of the proposed settlement class; and (4) a class action is  
18 superior to other methods to efficiently adjudicate this controversy through settlement.

19 6. For settlement purposes only, Robert Ortiz is appointed as class representative. The  
20 Court preliminarily finds that Robert Ortiz will adequately represent the proposed settlement class in  
21 accordance with C.C.P. § 382 for settlement purposes.

22 7. For settlement purposes only, Schneider Wallace is designated as Class Counsel. The  
23 Court preliminarily finds that Class Counsel will represent the interests of the proposed settlement  
24 class fairly and adequately in accordance with C.C.P. § 382 for settlement purposes.

25 8. The Court further notes that the proposed Settlement Agreement provides all proposed  
26 settlement class members with notice and an opportunity to opt-out or object to the Settlement  
27 Agreement, even if they also received the previous notice issued after the Court's original  
28

1 certification order and did not elect to opt out at that time.

2 9. The Court hereby grants approval of the terms and conditions contained in the Settlement  
3 Agreement. The Court finds that the terms of the Settlement are within the range of possible final  
4 approval.

5 10. The Court appoints Simpluris, Inc., as the Settlement Administrator.

6 11. The Court approves the form and content of the Settlement Class Notice, attached to this  
7 Order as Exhibit A to the Settlement Agreement. The proposed plan for distributing the Class Notice  
8 set forth in the Settlement Agreement at ¶ 54 meets the requirements of due process and constitutes  
9 the best notice practicable under the circumstances.

10 12. The provision of website notice as set forth in the Settlement Agreement at ¶ 54(b) is  
11 approved. The website must include: the Class Notice, the First Amended Complaint, the Settlement  
12 Agreement, and all papers and orders filed in connection with all preliminary approval motions.  
13 Moreover, all papers filed in connection with final approval of the settlement, and fee and expenses  
14 applications must also be promptly posted to the website.

15 13. The procedures set forth in the Settlement Agreement at ¶¶ 54(g)–(h) for objecting to and  
16 requesting exclusion from the proposed settlement are approved.

17 14. A hearing (the “Fairness Hearing”) shall take place before this Court, on the date and  
18 time set forth below, to determine:

- 19 a. Whether the Court should permanently certify the Settlement Class;
  - 20 b. Whether the Settlement, on the terms and conditions provided for in the Settlement  
21 Agreement, should be finally approved by the Court as fair, reasonable and adequate;
  - 22 c. Whether the Action should be dismissed with prejudice;
  - 23 d. Whether the application for a service award for representative Plaintiff Robert Ortiz  
24 should be approved;
  - 25 e. Whether the application for attorneys’ fees and expenses to be submitted by Class  
26 Counsel should be approved;
  - 27 f. Whether the proposed Reserve Fund is appropriate; and
- 28

g. Such other matters as the Court may deem necessary or appropriate. The Court may finally approve the Settlement at or after the Fairness Hearing with any modifications agreed to by the Parties and without further notice to the Class Members.

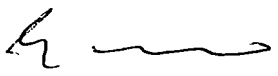
The following dates are set:

Deadline for Valley to provide updated class list to Settlement Administrator	15 calendar days after entry of Preliminary Approval	March 22, 2018
Deadline for Settlement Administrator to mail Notice of Settlement	14 calendar days after Defendant provides the Class information to the Administrator	March 21, 2018
Deadline for Plaintiff to file brief in support of application for attorneys' fees and costs	14 calendar days after class notice is mailed (29 days after entry of Preliminary Approval)	April 5, 2018
Deadline for Plaintiff to file motion for service award	14 calendar days after class notice is mailed (29 days after entry of Preliminary Approval)	April 5, 2018
Last day for Class Members to file any requests for exclusions, objections or disputed claim amounts	60 calendar days from date notice is mailed (89 days after entry of Preliminary Approval)	June 4, 2018
Settlement Administrator to provide update to class counsel regarding requests for exclusion, objection, or disputed amounts	89 calendar days from date notice mailed (118 days after entry of Preliminary Approval)	July 3, 2018
Deadline for the parties' replies to any class member objections	125 days after entry of Preliminary Approval	July 10, 2018

<p>1 Deadline for Plaintiff to file  2 motion for final approval of class  3 action settlement; deadline to  4 submit declaration verifying  5 fulfilment of notice procedures;  6 and deadline to submit list of  7 Class Members seeking to  8 exclude themselves from the  9 Settlement</p>	<p>125 days after entry of  Preliminary Approval</p>	<p>July 10, 2018</p>
<p>10 Final Fairness Hearing and  11 hearing on Plaintiff's motion for  12 fees, costs and service awards</p>		<p>July 27, 2018 at 9:00 a.m.</p>

13 15. The Court may change the date of the Final Approval hearing without further notice to  
14 the Settlement Class.

15  
16 Dated: March 7, 2018




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Curtis E.A. Karnow  
Judge Of The Superior Court

**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, DANIAL LEMIRE, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On **MAR 7 - 2018**, I electronically served THE ATTACHED DOCUMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **MAR 7 - 2018**

T. Michael Yuen, Clerk

By:

  
DANIAL LEMIRE, Deputy Clerk