

06/13/2023

David W. Slayton, Executive Officer / Clerk of Court

By: T. Lewis Deputy

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5 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
6 **FOR THE COUNTY OF LOS ANGELES**
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8 Coordination Proceeding Special
9 Title (Rule 3.550)

Judicial Council Coordination Proceeding No.
5017

10 **PACIFIC BELL WAGE AND HOUR
11 CASES**

CLASS & REPRESENTATIVE ACTION

11 Included actions:

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

12 *Leggins, et al. v. Pacific Bell Telephone*
13 *Company*, Los Angeles County Superior Court
Case No. BC587252

Date: June 12, 2023

Time: 11:00 a.m.

Dept.: 15

Judge: Hon. David S. Cunningham

14 *Herrera v. Pacific Bell Telephone Company, et*
15 *al.*, Alameda County Superior Court Case No.
RG18928072

16 *Hernandez v. Pacific Bell Telephone Company,*
17 *Riverside County Superior Court Case No.*
RIC1901671

Action

Coordinated: June 19, 2019

Trial Date: Not set

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20 The Court, having reviewed Plaintiffs' Steven Leggins, Fernando Lopez, David Herrera, and
21 Alexander Hernandez (collectively, "Plaintiffs") Notice and Motion for Preliminary Approval of Class
22 Action Settlement, which included therein a request for provisional certification of the identified
23 Settlement Class for settlement purposes only, a request for approval as to the form and manner of
24 disseminating notice to the Settlement Class; for appointment of the Class Representatives, Class
25 Counsel, and the Settlement Administrator, for the Court to set the deadlines by which Settlement
26 Class Members may request to exclude themselves from or object to the proposed settlement; and to
27 set a final approval hearing; having reviewed and considered the parties' Class Action and PAGA
28 Settlement Agreement and Class Notice ("Settlement Agreement"); having heard and considered the

1 oral arguments presented at the regularly scheduled hearing on June 12, 2023 at 11:00 a.m. in the
2 above-entitled court; and having reviewed and considered all other papers filed in this Action,
3 HEREBY ORDERS that:

4 1. This Order shall incorporate by reference the Settlement Agreement. To the extent the
5 terms are defined in the Settlement Agreement, all defined terms contained herein shall have the same
6 meaning as set forth in the Settlement Agreement;

7 2. The Court has jurisdiction over the claims asserted in this Action and has personal
8 jurisdiction over the Plaintiffs, Defendants and members of the Settlement Class;

9 3. Preliminary approval of the settlement reached in this class and representative action is
10 GRANTED. The Court finds that the settlement has been reached through arm's length, adversarial
11 and non-collusive bargaining; Plaintiffs' counsel has conducted a sufficient investigation into facts and
12 legal claims raised by this Action; and that counsel for Plaintiff is experienced in similar litigation. The
13 Court, therefore, finds that the proposed settlement is within the range of reasonableness of a
14 settlement that could ultimately be given final approval by this Court.

15 4. The Court finds that, for settlement purposes only, the Settlement Class meets the
16 requirements for certification under California Code of Civil Procedure section 382, in that:

- 17 a. The Settlement Class is ascertainable and so numerous that joinder of all
18 members of the class is impracticable;
- 19 b. Common questions of law and fact predominate, and there is a well-defined
20 community of interest amongst the members of the Settlement Class with
21 respect to the subject matter of the litigation;
- 22 c. Plaintiffs' claims are typical of the claims of the members of the Settlement
23 Class;
- 24 d. Plaintiffs will fairly and adequately protect the interest of the Settlement Class;
- 25 e. The attorneys of Clark Law Group, Setareh Law Group, and Righetti Glugoski,
26 P.C. are qualified to serve as Class Counsel for the members of the Settlement
27 Class, including the Class Representatives;
- 28 f. A class action is the superior method to resolve the dispute.

1 5. The Court provisionally certifies, for settlement purposes only, the Settlement Class
2 defined as follows:

3 All persons employed by Defendants in California and who worked in a
4 Technician job title for Defendants during the Class Period— from July 7,
5 2011 through the date the Court grants preliminary approval of this
6 Settlement—excluding persons who worked as Premises Technicians at
7 any point from July 7, 2011, through March 8, 2019, but only during the
8 time in which they were performing such work.

9 6. Plaintiffs Steven Leggins, Fernando Lopez, David Herrera, and Alexander Hernandez
10 are appointed as the Class Representatives;

11 7. Plaintiffs’ counsel, R. Craig Clark and Alicja A. Urtnowski of Clark Law Group are
12 appointed as Lead Class Counsel, and Shaun Setareh and William M. Pao of Setareh Law Group and
13 Matthew Righetti and John Glugoski of Righetti Glugoski, P.C. as Co-Lead Class Counsel for the
14 Settlement Class;

15 8. Atticus Administration shall be appointed as the Settlement Administrator for the
16 Action and reasonable Settlement Administration Costs shall be paid as set forth in the Settlement
17 Agreement;

18 9. The Notices of Class Action Settlement and Release of Claims, a copy of which are
19 attached as Exhibit A and Exhibit B to the Settlement Agreement (“Notice Packet”) are approved as to
20 their form and content. The Court finds that the Notice Packet’s form, content, and manner of
21 distribution as set forth in the Settlement Agreement satisfies the due process requirements and shall
22 thus constitute due and sufficient notice to all parties entitled thereto. The Class Notice shall be
23 distributed to Settlement Class Members in the manner outlined in the Settlement Agreement;

24 10. Defendant shall provide the Settlement Administrator with the Class Data, which
25 includes each Settlement Class Member’s full name, last known mailing address, Social Security
26 number, and data sufficient to calculate the number of Class Period Workweeks and PAGA Pay
27 Periods, within thirty (30) calendar days of the date of this Order;

28 11. The Settlement Administrator shall mail the court-approved Notice Packets using the
procedures and methods outlined in the Settlement Agreement within fourteen (14) calendar days of
receipt of the Class Data;

1 12. Any Settlement Class Member may elect to be excluded from the settlement as
2 provided in the Settlement Agreement and the Notice Packet. All requests for exclusion must be post
3 marked on or before the Response Deadline. Settlement Class Members who do not submit a timely
4 request for exclusion to the Settlement Administrator shall be bound by the Settlement Agreement, all
5 determinations of this Court, and final judgment;

6 13. Any Settlement Class Member may object to the settlement or express his or her views
7 regarding the settlement and may present evidence, file brief or other papers that may be proper and
8 relevant to the issues to be heard and determined by the Court, as provided in the Settlement
9 Agreement and Notice Packet. Any Settlement Class Member who does not make his or her objection
10 at or before the final approval hearing shall be deemed to have waived any such objection and shall be
11 foreclosed to objecting to the Settlement;

12 14. The final approval hearing shall be held on October 3, 2023 at 10:00 a.m. in Department
13 15 of the above-entitled Court, located at 312 N. Spring Street, Los Angeles, California 90012, to
14 determine all necessary matters concerning the Settlement Agreement, including whether the proposed
15 settlement of the Action on the terms and conditions provided for in the Settlement Agreement is fair,
16 adequate and reasonable and should be finally approved by the Court. At that time, the Court will also
17 hold a hearing on Class Counsel’s application for attorneys’ fees, costs, and the Class Representatives’
18 Service Awards;

19 15. Plaintiffs shall file their Motion for Final Approval of Class Action Settlement no later
20 than sixteen (16) court days before the final approval hearing;

21 16. Class Counsel shall file their application for attorneys’ fees, costs and Class
22 Representatives Service Awards no later than sixteen (16) court days before the final approval hearing;

23 17. Pending the final approval hearing, all proceedings in this action, other than the
24 proceedings necessary to carry out or enforce the terms and conditions of the Settlement Agreement
25 and this Order, shall be stayed;

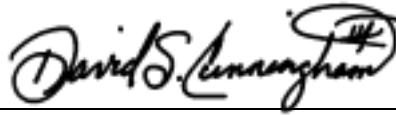
26 18. The Court reserves the right to adjourn or continue the date of the final approval hearing
27 and all dates provided for in the Settlement Agreement, without further notice to the Settlement Class,
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1 and retains continuing and exclusive jurisdiction to consider all further applications arising out of or in
2 connection with the Settlement Agreement;

3 19. If, for any reason, the settlement is not finally approved or does not become effective,
4 this Order Granting Preliminary Approval of Class Action Settlement shall be deemed vacated and
5 shall have no force or effect whatsoever, and the Action shall proceed as if no settlement had been
6 attempted.

7 **IT IS SO ORDERED.**

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9 Dated: June 12, 2023



Honorable David S. Cunningham
Los Angeles County Superior Court