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FILED
Superior Court of California
County of Los Angeles

JAN 31 2019

Sherril R. Carter, Executive Officer/Clerk of Court
By *Lori M'Greene*, Deputy
Lori M'Greene

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

JASMINE HAYES, on behalf of herself and on behalf of other current and former employees,

Plaintiff,

vs.

7180 SUNSET BLVD., INC. dba SEVENTH VEIL, a California corporation; THREE GROUP, INC., a California corporation; MARCELLE EZERZER, an individual; and DOES 3-100,

Defendants.

Case No.: BC597517

AMENDED [PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL

Date: January 29, 2019 (non-appearance)

Time: 4:30 p.m.

Dept.: 312

Judge: Hon. Carolyn B. Kuhl

Action Filed: October 9, 2015

Trial Date: None Set

RECEIVED
LOS ANGELES SUPERIOR COURT
JAN 23 2019
R. NAZARYAN

AMENDED [PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS SETTLEMENT

02/14/2019

1 **[PROPOSED] ORDER**

2 On December 14, 2018, at 2:45 p.m., this Court heard plaintiff Jasmine Hayes' unopposed
3 motion for preliminary approval of class settlement under California Rules of Court, rule 3.769(c).
4 This Court reviewed the motion, including the Settlement Agreement ("Agreement"). Based on
5 this review, the Court advised to Parties to submit an Amended Settlement Agreement, Amended
6 Class Action Notice, Amended Request for Inclusion Form, and Amended Request for Inclusion
7 Form. The Court set January 29, 2019 for a non-appearance hearing on the motion.

8 On January 22, 2019, the Parties submitted these amended documents. Based on a review
9 of the amended documents, and the findings below, the Court finds good cause to GRANT the
10 motion.

11 **FINDINGS:**

12 The Agreement is fair, reasonable, and adequate; and

13 The Amended Notice of Pendency of Class Action Settlement, Amended Request for
14 Inclusion Form, and Amended Request for Exclusion Form (attached to the Amended Agreement
15 as Exhibits A, B, and C, respectively) comply with due process because the notice and forms are
16 reasonably calculated to adequately apprise class members of (i) the pending lawsuit, (ii) the
17 proposed settlement, and (iii) their rights, including the right to either participate in the settlement,
18 exclude themselves from the settlement, or object to the settlement.

19 **IT IS ORDERED THAT:**

20 **Settlement Approval.** The Amended Agreement, including the Amended Notice of
21 Pendency of Class Action Settlement, Amended Request for Inclusion Form, and Amended
22 Request for Exclusion Form, are preliminarily approved.

23 **Provision of Class Notice.** The Parties will notify class members of the Settlement in the
24 manner specified under the Agreement and will pay all costs associated with class administration
25 and providing notice to Class Members pursuant to the agreed-upon terms outlined in the
26 Agreement. The Court approves the form and content of the Notice attached as Exhibit A to the
27 Amended Agreement, and finds that under the circumstances, transmission of such notice meets
28 the requirements for notice and due process, is the best notice practicable under the circumstances,

02/14/2019 8:02:41/20

1 and shall constitute due and sufficient notice to all persons entitled thereto.

2 **Objection to Settlement.** Class Members who want to object to the Settlement must file
3 a written objection as provided in paragraph 39 of the Agreement. Specifically, any Class
4 Member may object to the Settlement Agreement by filing a written objection with the Court as
5 shown by the Court filing stamp and with service by mail, overnight delivery, or personal delivery
6 on counsel for the Parties, on or before sixty (60) calendar days from the date that the Notice
7 Packet is first mailed to Class Members. The written objection must be signed by the objecting
8 Class Member, state the Class Member's name, most current address and telephone number, last
9 four-digits of his or her social security number, basis for the objection, and if she is not listed on
10 the Class List, the dates the Class Member worked for Defendant(s).

11 If the written objection is served by mail, the postmark on the envelope shall be the
12 exclusive means used to determine whether an objection has been timely served before the
13 deadline. If the written objection is served by overnight delivery, the date the written objection is
14 provided to the overnight courier as provided by the waybill shall be the exclusive means used to
15 determine whether an objection has been timely served before the deadline. If the written
16 objection is served by personal delivery, the date the actual delivery shall be the exclusive means
17 used to determine whether an objection has been timely served before the deadline.

18 **Failure to Object to Settlement.** Class Members who have not timely filed and served
19 written objections in the manner specified herein shall be deemed to have waived any
20 objections, shall be foreclosed from making any objection (whether by appeal or otherwise) to
21 the settlement and shall not be heard at the final approval hearing.

22 No Class Member may be heard at or otherwise participate in the final approval hearing,
23 unless written Notice of the Class Member's Intention to Appear at the Final Approval Hearing,
24 and copies of any written objections or briefs, have been filed with the Court and served on
25 counsel for the Parties within sixty (60) calendar days of the date that the Notice Packet was first
26 mailed to Class Members.

27 **Requesting Exclusion.** Not later than sixty (60) calendar days from the date of mailing of
28 the Notice Packet to her, a Class Member desiring to be excluded from this Settlement Agreement

02/14/2018

1 must sign and return the Exclusion Form to the Administrator. The Notice of Pendency of Class
2 Action Settlement provides instructions to the Class Members who wish to exclude themselves
3 from the Settlement Agreement. The date of the postmark on the return-mailing envelope or, if
4 faxed, the fax date, shall exclusively and conclusively determine whether an Exclusion Form has
5 been timely submitted. A Class Member who does not request exclusion from the Settlement
6 Agreement will be bound by all terms of the Joint Settlement Agreement and Release and any
7 final judgment entered by the Court if the Settlement Agreement is granted Final Approval by the
8 Court.

9 **Failure to Exclude Themselves from the Settlement.** All Class Members who do not
10 timely and validly exclude themselves from the Class shall be bound by all determinations and
11 judgments in the Action concerning the Agreement, whether favorable or unfavorable to the
12 Classes.

13 **No Admissions.** Nothing in this Order is, or may be construed as, an admission or
14 concession on any point of fact or law by or against any Party.

15 **Fee/Award Applications.** Any application for an incentive award for the Class
16 Representatives and/or an application for attorneys' fees and costs by Class Counsel shall be
17 considered separately from the fairness, reasonableness, and adequacy of the Agreement.

18 **Fairness Hearing.** On June 28, 2019, at 2:45 p.m., this Court will hold a Fairness
19 Hearing to determine whether the Agreement should be finally approved as fair, reasonable, and
20 adequate, and to determine the awards, fees, and expenses that should be awarded to the Class
21 Representatives and the Class Counsel. All supporting papers, including the Plaintiffs' request for
22 attorneys' fees and costs, must be filed no later than sixteen (16) court days before the Fairness
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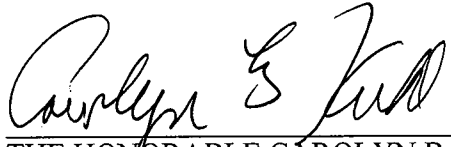
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Hearing. This Court may order the Fairness Hearing to be postponed, adjourned, or continued. If that occurs, the Parties will not be required to provide additional notice to class members.

IT IS SO ORDERED.

Dated: Jan. 31, ²⁰¹⁹~~2018~~



THE HONORABLE CAROLYN B. KUHL
Judge of the Superior Court

02/14/2019