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FILED
Superior Court of California
County of Los Angeles

06/30/2023

David W. Slayton, Executive Officer / Clerk of Court

By: T. Lewis Deputy

16 **SUPERIOR COURT OF CALIFORNIA**

17 **COUNTY OF LOS ANGELES**

18 ROBERT SILVA, on behalf of himself and
19 all others similarly situated, and on behalf
20 of the general public,

21 Plaintiff,

22 vs.

23 EDS SERVICE SOLUTIONS, LLC, and
24 DOES 1 through 10, inclusive,

25 Defendants.

Case No. BC697656

**REVISED [~~PROPOSED~~] ORDER
GRANTING PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT**

*Assigned for all purposes to the
Honorable David S. Cunningham, III,
Department 11*

Date filed: March 12, 2018

CLASS ACTION

26 JUAN MARTINEZ, on behalf of himself
27 and all others similarly situated,

28 Plaintiff,

vs.

EDS SERVICE SOLUTIONS, LLC and
DOES 1-100, inclusive,

Defendants.

Consolidated:

Case No. 19STCV12958

CLASS ACTION

REVISED PROPOSED ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT
Lead Case: Silva v. EDS Service Solutions, LLC, et al.; Case No. BC697656

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ERICA PRICE, on behalf of herself and all
others similarly situated,

Plaintiff,

vs.

EDS SERVICE SOLUTIONS, LLC and
DOES 1-100, inclusive,

Defendants.

OCTAVIA SCOTT, on behalf of herself
and all others similarly situated,

Plaintiff,

vs.

EDS SERVICE SOLUTIONS, LLC and
DOES 1-100, inclusive,

Defendants.

Consolidated:
Case No. 20STCV02111

CLASS ACTION

Consolidated:
Case No. 19STCV43044

CLASS ACTION

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1 The Motion of Plaintiffs Robert Silva, Juan Martinez, Erica Price, and Octavia Scott
2 (collectively “Plaintiffs”) for Preliminary Approval of Class Action Settlement (the “Motion”)
3 came on regularly for hearing before this Court on June 23, 2023, at 9:00 A.M. The Court, having
4 considered the proposed settlement agreement (the “Settlement”), attached as **Exhibit 1** to the
5 Declaration of Carolyn Hunt Cottrell filed concurrently with the Motion, the Motion, Memorandum
6 of Points and Authorities in support thereof, and supporting declarations filed therewith, and any
7 argument presented at the hearing on the Motion; and good cause appearing, **HEREBY ORDERS**
8 **THE FOLLOWING:**

9 1. The Court GRANTS preliminary approval of the class action settlement as set forth
10 in the Settlement and finds its terms to be within the range of reasonableness of a settlement that
11 ultimately could be granted approval by the Court at a Final Approval Hearing.

12 2. For purposes of the Settlement only, the Court finds that the proposed Class is
13 ascertainable and that there is a sufficiently well-defined community of interest among the members
14 of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
15 conditional certification of the Class, which is defined as follows:

16 All current and former non-exempt, hourly employees of Defendant in California at
17 any time during the period from March 12, 2014, to October 28, 2022.

18 2. For purposes of the Settlement, the Court designates Plaintiffs Robert Silva, Juan
19 Martinez, Erica Price, and Octavia Scott as Class Representatives, and designates Schneider
20 Wallace Cottrell Konecky LLP, Mooradian Law APC, Otkupman Law Firm ALC, Matern Law
21 Group PC, and The Nourmand Law Firm APC as Class Counsel.

22 3. The Court designates Settlement Services, Inc. as the third-party Settlement
23 Administrator for mailing notices and administering the Settlement.

24 4. The Court approves, as to form and content, the notice of settlement (“Settlement
25 Notice”), attached as **Exhibit A**, to the Settlement.

26 6. The Court finds that the form of notice to the Class Members regarding the pendency
27 of the action and of the Settlement, and the methods of giving notice to Class Members, constitute
28 the best notice practicable under the circumstances, and constitute valid, due, and sufficient notice

1 to all Class Members. The form and method of giving notice complies fully with the requirements
2 of California Code of Civil Procedure section 382, California Rules of Court 3.766 and 3.769, the
3 California and United States Constitutions, and other applicable law.

4 7. The Court further approves the procedures for Class Members to opt out of or object
5 to the Settlement, as set forth in the Settlement Notice.

6 8. The procedures and requirements for filing objections in connection with the Final
7 Approval Hearing are intended to ensure the efficient administration of justice and the orderly
8 presentation of any Class Member's objection to the Settlement, in accordance with the due process
9 rights of all Class Members.

10 9. The Court directs the Settlement Administrator to send the Settlement Notice to the
11 Class Members in accordance with the terms of the Settlement.

12 10. The Settlement Notice shall provide 60 days' notice from the date of initial mailing
13 (plus an additional 14 days for Class Members whose notices were remailed) for Class Members to
14 opt out of, or object to, the Settlement.

15 11. The Final Approval Hearing on the question of whether the Settlement should be
16 finally approved as fair, reasonable, and adequate is scheduled for ~~October 28, 2023~~ ^{U&A'AG}, at 9:00 A.M.
17 in Department 11.

18 12. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
19 should be finally approved as fair, reasonable, and adequate for the Class, the Aggrieved Employees
20 and the State of California; (b) whether a judgment granting final approval of the Settlement should
21 be entered; and (c) whether Plaintiffs' application for reasonable attorneys' fees in the amount of
22 \$666,600.00 or one-third of the Gross Settlement Amount, reimbursement of litigation expenses,
23 Service Awards to Plaintiffs in the amount of \$5,000 each, and settlement administration costs
24 should be granted.

25 13. Counsel for the parties shall file memoranda, declarations, or other statements and
26 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
27 expenses, Plaintiffs' representative payment, and settlement administration costs prior to the Final
28 Approval Hearing according to the time limits set by the Code of Civil Procedure and the California

1 Rules of Court.

2 14. The Court orders that the following implementation schedule be followed:

EVENT	DEADLINE
Preliminary Approval of the Settlement by the Court	June 23, 2023
Defendant to deliver Class Data to the Administrator (Settlement Agreement, ¶ 4.2)	Within 30 days after entry of the order granting Preliminary Approval
Administrator notifies Class Counsel that it received Class Data, and states the number of Class Members, Aggrieved Employees, Workweeks, and PAGA Pay Periods in the Class Data (Settlement Agreement, ¶ 7.4.1)	Within 5 business days after receipt of Class Data.
Administrator to mail Class Notice to Class Members (Settlement Agreement, ¶ 7.4.2)	14 days after receiving the Class Data
Class Member Response Deadline for written objections, challenges to workweeks and/or PAGA Pay Periods, and Requests for Exclusion (Settlement Agreement, ¶¶ 7.4.4, 7.5.1, 7.5.6)	60 days after Administrator mails Class Notice (plus additional 14 days for Class Members whose notices were remailed)
Administrator re-mails any Class Notice returned as undeliverable (Settlement Agreement, ¶ 7.4.2)	3 business days of receiving a returned Class Notice
Opt-Out Class Member's deadline to withdraw Request for Exclusion (Settlement Agreement, ¶ 7.5.5)	30 days after Administrator mails Class Notice (plus additional 14 days for Class Members whose notices were remailed)
Settlement Administrator to provide Counsel notice of the valid Request for Exclusion letters received (Settlement Agreement, ¶ 7.7.2)	5 days after expiration of the Response Deadline
Settlement Administrator to provide Counsel its Declaration (Settlement Agreement, ¶ 7.7.5)	14 days before due date for Plaintiffs' Motion for Final Approval

1	Deadline for Defendant to exercise its option to cancel the settlement (Settlement Agreement, ¶ 8)	7 business days after Administrator provides notice of valid Request for Exclusion letters.
2		
3	Plaintiffs' Motion for Class Counsel Fee Award and Class Counsel Litigation Expense Payments (Settlement Agreement, ¶ 3.2.1)	16 court days prior to Final Approval Hearing
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6	Plaintiffs' Motion for Final Approval (Settlement Agreement, ¶ 9)	16 court days prior to Final Approval Hearing
7		
8	Parties deadline to respond to objections (Settlement Agreement, ¶ 9.1)	5 court days prior to Final Approval Hearing
9		
10	Final Approval Hearing	October 26, 2023

11 15. Pending the Final Approval Hearing, all proceedings in this action, other than
12 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
13 Order, are stayed.

14 16. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
15 connection with the administration of the Settlement which are not materially inconsistent with
16 either this Order or the terms of the Settlement.

17 **IT IS SO ORDERED.**

18
19 Dated: 06/30/2023, 2023



The Honorable David S. Cunningham, III
Judge of the Superior Court