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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF SAN FRANCISCO**

15 MIWANDA BARNES and ALLISON CAMILLE,
16 individually, and on behalf of others similarly
17 situated,

18 Plaintiffs,

19 vs.

20 SPRIG, INC., and DOES 1-20, inclusive,

21 Defendants.

Case No.: CGC-15-548154

**ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: July 22, 2016

Time: 9:30 a.m.

Dept: 302

Trial Date: None Set

1 This matter is before the Court on Plaintiffs’ unopposed Motion for Preliminary Approval of
2 Joint Stipulation and Class Action and Private Attorneys General Act (“PAGA”) Representative
3 Action Settlement (the “Settlement Agreement”) of the above-entitled case. The matter came on for
4 hearing on July 22, 2016 in the above-identified Court, and the parties were represented by their
5 respective counsel. The motion, having been fully considered by the Court, is ruled upon as follows:

6 WHEREAS, the Court has been advised that the parties to this action in this Court, through
7 their respective counsel, have agreed, subject to Court approval following a hearing, to settle this
8 putative class and representative action upon the terms and conditions set forth in the Settlement
9 Agreement, a copy of which has been submitted as Exhibit 1 to the Declaration of James Kan in
10 Support of Preliminary Approval of Class Action Settlement, filed on July 7, 2016;

11 WHEREAS, the California Labor and Workforce Development Agency (“LWDA”) received
12 notice of the settlement and the date, time, and location of the preliminary approval hearing, and the
13 LWDA has not objected to the proposed Settlement Agreement;

14 NOW THEREFORE, based upon Plaintiffs’ unopposed Motion for Preliminary Approval of
15 the Settlement Agreement, its accompanying declarations and exhibits attached thereto, argument at
16 hearing, and all of the files, records and papers filed in this class action and proceedings herein, and it
17 appearing to the Court, upon preliminary examination, that the settlement set forth herein is within the
18 range of reasonableness, and that a hearing should and will be held after notice to the Settlement Class
19 to confirm that the Settlement Agreement therein is fair, adequate and reasonable, and to determine
20 whether a Judgment should be entered in this action thereon:

21 IT IS HEREBY ORDERED THAT:

22 1. This Order preliminarily approves the Settlement Agreement, incorporates by reference
23 the definitions in the Settlement Agreement, and all terms used herein shall have the same meaning as
24 set forth in the Settlement Agreement.

25 2. This Court finds that the Settlement Agreement is within the range of reasonableness as
26 to the Class. Based on a review of the papers submitted, the Court finds that the Settlement is the
27 result of extensive arms-length negotiations conducted after Class Counsel had adequately investigated
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1 the claims and became familiar with the strengths and weaknesses of those claims, the Settlement is
2 presumptively valid because it is recommended by Class Counsel, and the Settlement is approved
3 subject only to any objections that may be raised at the final fairness hearing and final approval by this
4 Court. The assistance of an experienced mediator in the settlement process supports the Court's
5 conclusion that the Settlement is non-collusive.

6 3. The Court finds that for the purposes of settlement, Plaintiffs have established in their
7 moving papers and supporting declarations all of the requirement for certification of a provisional
8 settlement class pursuant to C.R.C., Rule 3.769(d). Therefore, this Court certifies a provisional class
9 for the purposes of this settlement defined as: All persons who worked as Sprig Servers in California at
10 any time from September 1, 2013 through December 31, 2015.

11 4. The Court appoints and designates, for settlement purposes only, Settlement Services,
12 Inc. as Settlement Administrator.

13 5. The Court appoints and designates, for settlement purposes only, Plaintiffs Miwanda
14 Barnes and Allison Camille as Class Representatives, and the law firms of Goldstein Borgen,
15 Dardarian & Ho ("GBDH") and Browne Labor Law as Class Counsel.

16 6. The Court approves the form and content of both the proposed Class Notice and the
17 Share Form ("Class Notice"), attached as Exhibit A and B, respectively, to the Settlement Agreement.
18 The Court finds that these documents will provide the Class with sufficient information to make an
19 informed decision on whether to accept or object the settlement and on how to be heard in the
20 proceedings. Notice shall be provided to the Class Members via first-class mail. Notice shall also be
21 provided as set forth in the Settlement Agreement and below in the implementation schedule. The
22 Parties may make non-substantive modifications to these documents in the course of finalizing them
23 for mailing.

24 7. Defendant shall send a payment of \$580,000 with fourteen (14) calendar days of this
25 Order to the Settlement Administrator, who shall hold this payment in an escrow account and will not
26 distribute any part of this payment unless and until the Court grants Final Approval.

27 8. Class Members will have sixty (60) calendar days from the date of the first mailing to
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1 submit requests for exclusion and/or objections. Settlement Administrator will file with the Court and
2 serve on the Parties any Request for Exclusion and/or written objections or statements of intention to
3 object to the Settlement received from Class Members. Alternatively, Class Members may appear at
4 the final approval hearing to object provided that the Parties shall have seven (7) court days to respond
5 in writing to the objections made for the first time at the final approval hearing.

6 9. Class Members will have the right to challenge the number of Shifts Worked as shown
7 on the Share Form, which must be post-marked no later than forty-five (45) days after the Notice is
8 mailed.

9 10. Class Counsel will file a timely motion for final approval of settlement, including Class
10 Counsel's application for award of attorneys' fees and costs, no later than ten (10) days before the
11 Final Approval Hearing. In addition, prior to serving the motion for final approval, Class Counsel
12 shall notify the LWDA of the date, time, and location of the final approval hearing.

13 11. The Final Approval Hearing shall be held on October 28, 2016 in Department 302 of
14 this Court, to determine whether the Settlement Agreement is fair, adequate, reasonable, and should be
15 approved.

16 12. At least ten (10) days prior to the Final Approval Hearing, Settlement Administrator
17 will file with the Court and serve on the Parties its certification of the completion and results of the
18 Class Notice, and related processes. In the case of late-received Requests for Exclusion, objections or
19 statements, the Settlement Administrator shall immediately file with the Court and serve on the Parties.

20 13. The dates of performance, unless otherwise modified by the Court, are as follows:

21 Within ten (10) days after the Preliminary 22 Approval Date	Defendant to provide names, Social Security numbers, addresses, phone numbers, e-mail addresses, and the number of Shifts Worked of all Class Members to Settlement Administrator.
24 Within fourteen (14) days after the Preliminary 25 Approval Date	Defendant to send the First Payment to the Settlement Fund to the Settlement Administrator.
26 Within twenty (20) days after the Preliminary 27 Approval Date	Settlement Administrator to mail Class Notice.

1	Within forty-five (45) days after mailing of the Class Notice	Deadline for challenges to calculation of settlement award.
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3	Sixty (60) days after mailing of the Class Notice	Deadline for Objections and/or Opt out
4	Within ten (10) days of the Final Approval Hearing	Class Counsel to file their motion for final approval and notify the LWDA of the final approval hearing details.
5		Settlement Administrator to file and serve its certification of completed duties and results of Class Notice processes.
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8	October 28, 2016 (approximately 100 calendar days after entry of Preliminary Approval Order)	Final Approval Hearing.
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11 **IT IS SO ORDERED.**

12 Date: July 22, 2016

13 RICHARD ULMER
14 Judge of the Superior Court