

FILED
Clerk of the Superior Court

AUG 23 2022

By: R. Cersosimo, Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO**

MACK RICKS, MARLENA BARR, and
CHRISTINA MOORE, as individuals
and on behalf of all others similarly
situated,

Plaintiff,

v.

CONAM MANAGEMENT
CORPORATION, a California
corporation, and Does 1 through 10,
inclusive,

Defendants.

Case No. 37-2020-00001430-CU-OE-CTL

**ORDER GRANTING PRELIMINARY
APPROVAL TO CLASS ACTION
SETTLEMENT AND RELEASE**

Judge: Hon. Richard S. Whitney

Date: August 19, 2022
Time: 10:30 a.m.
Dept.: C-68

The Court has before it the joint stipulation by Plaintiffs Mack Ricks, Marlena Barr, and Christina Moore (collectively, "Plaintiffs") and Defendant ConAm Management Corporation ("Defendant" or "ConAm") for preliminary approval of a proposed class action settlement. After reviewing the parties' written submissions and after hearing arguments of counsel, the Court hereby finds and orders as follows:

1. The Court finds on a preliminary basis that the settlement memorialized in the Joint Stipulation of Class and Representative Action Settlement and Release, fully executed as of January 18, 2022 (the "Stipulation") and filed with the Court, falls within the range of reasonableness and therefore meets the requirements for preliminary approval.

1 The Stipulation sets out the terms upon which ConAm will settle all claims that have been
2 brought against it in this matter.

3 2. **Settling Class.** The Court finds, for purposes of settlement only, that the
4 Settling Class as defined in the Stipulation meets the requirements for certification under
5 California law, and therefore conditionally certifies, for settlement purposes only, the
6 following class:

7 All current and former non-exempt employees of ConAm Management
8 Corporation, employed in California from January 9, 2016, to the earlier date
9 of Preliminary Approval or February 28, 2022, who: received non-
10 discretionary remuneration for a time period in which they also received
11 overtime; and/or received a bonus adjustment; and/or worked in the
12 maintenance department for any shift 3.5 hours or more.

13 3. **Appointment of Class Representative.** The Court appoints, for settlement
14 purposes only, Plaintiffs Mack Ricks, Marlana Barr, and Christina Moore as Class
15 Representatives.

16 4. **Appointment of Class Counsel.** The Court appoints, for settlement purposes
17 only, Dennis S. Hyun, state bar number 224240, of Hyun Legal, APC, located at 515 South
18 Figueroa Street Suite 1250, Los Angeles, California, 90071, and Majed Dakak, state bar
19 number 271875, of Kesselman Brantly Stockinger LLP, located at 1230 Rosecrans Avenue,
20 Suite 400, Manhattan Beach, California, 90266, as Settlement Class Counsel.

21 5. **Claims Administrator and Notice.** The Settling Parties shall retain the
22 services of ILYM Group, Inc. for the administration of the Settlement, and said entity is
23 hereby appointed Claims Administrator. Not later than fifteen (15) business days after
24 receipt of this Court's Order granting Preliminary Approval, ConAm shall provide to the
25 Claims Administrator, in electronic form, a spreadsheet that contains the name, social
26 security number, dates of active employment in a class-qualifying capacity (including
27 separately breaking out the dates of employment within the maintenance department (if
28 any)), number of Bonus Adjustments received while in a class-qualifying capacity, and last

1 known mailing address of every Settling Class Member. ConAm shall meet-and-confer
2 with the Claims Administrator regarding the format of said spreadsheet and shall cooperate
3 to provide any additional information which the Claims Administrator may request that is
4 reasonable and necessary for the purpose of giving Class Notice, allocating and distributing
5 the GSV, and otherwise administering this Agreement. As described in Paragraphs 19 and
6 20 of the Stipulation, by no later than ten (10) business days after receiving the information
7 described in Paragraph 18 of the Stipulation, the Claims Administrator shall provide notice
8 of settlement (“Settlement Class Notice”) and an adjustment form (“Adjustment Form”) to
9 all Settling Class Members by first class U.S. mail to their last known address according to
10 the information that ConAm will provide to the Claims Administrator pursuant to Paragraph
11 19 of the Stipulation. The Settlement Class Notice shall be in the form lodged as Exhibit
12 “B” to the Stipulation. The Claims Administrator shall make such further efforts as are
13 possible and reasonable (if any) to provide the Settlement Class Notice to Settling Class
14 Members whose original Settlement Class Notice is returned as undeliverable, provided that
15 all such efforts shall be completed by the thirtieth (30th) calendar day after the Settlement
16 Class Notice is mailed. The Court finds that the content and schedule of the mailings
17 discussed in this Order meet the requirements of due process, provide the best notice
18 practicable, and will constitute sufficient notice to Settling Class Members.

19 **6. Requests for Adjustment.** Settling Class Members may request a change
20 to their allocation under the Settlement by mailing the Claims Administrator a signed and
21 dated Adjustment Form. The Adjustment Form shall be in the form lodged as Exhibit “C”
22 to the Stipulation. Pursuant to the terms of the Stipulation, the Claims Administrator shall
23 have the authority to determine the appropriate payments to Settling Class Members and
24 shall have final authority to resolve any disputes regarding the same.

25 **7. Exclusions.** Putative Settling Class Members may exclude themselves from
26 the Settlement Class by mailing the Claims Administrator a signed and dated request for
27 exclusion. Pursuant to the terms of the Stipulation, all Settling Class members will be
28 bound by the Stipulation and its release, regardless of whether or not they receive a

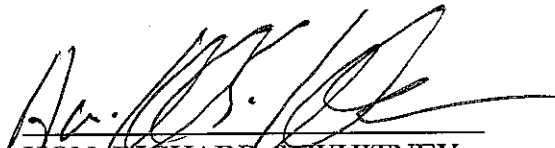
1 payment, unless they timely file a proper Request for Exclusion.

2 8. The Court further approves of the objection procedures set forth in the
3 Stipulation.

4 9. The Court sets the hearing on Plaintiffs' Motion for Final Approval for
5 December 9, 2022 at 10:30 a.m. Plaintiffs shall file their Motion for Final
6 Approval, including the request for attorneys' fees, costs, enhancement awards, and
7 administrator's expenses at least 16 court days before the final approval hearing.

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9 **IT IS SO ORDERED.**

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12 Dated: 8-23-22

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14 HON. RICHARD S. WHITNEY
15 Superior Court of California, County of San
16 Diego
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