

ROSEN ♦ SABA, LLP

RYAN D. SABA, ESQ. (State Bar No. 192370)

rsaba@rosensaba.com

TYLER C. VANDERPOOL, ESQ. (State Bar No. 279175)

tvanderpool@rosensaba.com

9350 Wilshire Boulevard, Suite 250

Beverly Hills, California 90212

Telephone: (310) 285-1727

Facsimile: (310) 285-1728

Attorneys for Plaintiffs,

ERICK MONROY and ILSE ASCENSIO

FILED
Superior Court of California
County of Los Angeles**JUN 16 2020**Sherri R. Carter, Executive Officer/Clerk
By Stephanie Chung Deputy**SUPERIOR COURT OF THE STATE OF CALIFORNIA****COUNTY OF LOS ANGELES-CENTRAL CIVIL WEST**ERICK MONROY, an individual, and ILSE
ASCENSIO, an individual*Plaintiffs,*

v.

YOSHINOYA AMERICA, INC., a California
corporation, YOSHINOYA HOLDINGS CO.,
LTD., a Japanese corporation, and DOES 1 to
100, inclusive, et al.,*Defendants.*

Case No.: BC653419

Honorable Daniel J. Buckley

Dept. SS-1

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

Complaint Filed: March 7, 2017

Trial Date: None Set

RECEIVED
LOS ANGELES SUPERIOR COURT**MAR 20 2020****S. DREW**

ROSEN ♦ SABA, LLP

9350 Wilshire Boulevard, Suite 250, Beverly Hills, CA 90212

0202/98/81



ORDER

On December 27, 2019, Plaintiffs submitted their Motion for Preliminary Approval of Settlement in this matter. No Oppositions were received. Prior to the hearing scheduled for February 10, 2020, the Court requested additional information and revisions to the Settlement Agreement and proposed Class Notice. The hearing was continued until March 16, 2020, at 10:30 a.m. Prior to the hearing, Plaintiffs' counsel submitted a supplemental declaration addressing the Court's requests for additional information and incorporating the requested revisions to the Settlement Agreement and proposed Class Notice

At the hearing, Plaintiffs and the putative class members were represented by Tyler C. Vanderpool of the law office of Rosen Saba, LLP and Defendant was represented by Michael T. Campbell of the law office of Sheppard, Mullin, Richter & Hampton, LLP. After addressing the issues presented in the original tentative ruling and requesting the Revised Settlement Agreement be submitted to the Labor and Workforce Development Agency's DIR-PAGA unit, the Court issued the following Orders:

1. The Court grants preliminary approval of the terms of the proposed settlement as set forth in the Revised Settlement Agreement dated March 10, 2020, and finds the terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at the final hearing. For purposes of the settlement, the Court finds that the proposed settlement class is ascertainable and that there is a sufficiently well-defined community of interest among the class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following "Class Members" defined as follows: All California-based non-exempt employees of Yoshinoya who were assigned at least one on-call shift during March 7, 2013 and November 1, 2017.

2. The Court approves the settlement of claims as set forth in the Revised Settlement Agreement. Defendant shall pay the gross sum of \$1,450,000 to fund the settlement of the class claims.

///

1 3. The Court approves, as to form and content, the Notice of Proposed Class
2 Action Settlement and Class Action Settlement Hearing. The Administrator shall translate
3 and mail the Notice in English and Spanish. The Court approves the method of Class Notice
4 described in the Revised Settlement Agreement.

5 4. The Court designates named Plaintiffs Ilse Ascensio and Erick Monry as
6 Class Representatives, and Ryan D. Saba and Tyler C. Vanderpool of the law firm of Rosen
7 Saba LLP as Class Counsel.

8 5. The Court approves of KCC as the Claims Administrator. The Court
9 preliminarily approves of the costs of KCC to come from the Gross Fund Value.

10 6. The Court preliminarily approves payment of incentive awards to the Class
11 Representatives of \$7,500 each.

12 7. The Court preliminary approves the application for payment to Class Counsel
13 of reasonable attorneys' fees of \$483,333 and up to \$60,000 in actual documented litigation
14 costs, with payment coming out of the Gross Fund Value.

15 8. The Court preliminary approves of allocating \$50,000 to resolve claims under
16 the Private Attorney General Act ("PAGA"), 75% of which will be taken from the Gross
17 Fund Value (\$37,500) and will be sent to the state of California, and 25% of which will be
18 added to the Net Fund Value to distribute to Class Members on a proportional basis.

19 9. A final fairness hearing on the question of whether the proposed settlement
20 should be finally approved as fair, reasonable, and adequate as to the members of the
21 Settlement Class is scheduled in Department 1 of this Court on September 18, 2020, at
22 10:30 a.m. At the final fairness hearing, the Court will consider: (a) whether the settlement
23 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment
24 granting approval of the settlement should be entered; and (c) whether Plaintiff's
25 application for an award of attorneys' fees, reimbursement of litigation expenses, and class
26 representative incentive payments should be granted.

27 10. Counsel for the Parties shall file memoranda, declarations, or other statements
28 and materials in support of their request for final approval by no later than August 26, 2020.

1 11. Class Counsel shall file a motion for attorneys' fees, reimbursement of
2 litigation expenses, and class representative incentive payments by no later than August 26,
3 2020.

4 **IT IS SO ORDERED.**

5
6 DATED: Jun 16, 2020, 2020

Daniel J. Buckley
HON. DANIEL J. BUCKLEY
SUPERIOR COURT JUDGE

ROSEN ♦ SABA, LLP

9350 Wilshire Boulevard, Suite 250, Beverly Hills, CA 90212

0702/90/81

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 9350 Wilshire Boulevard, Suite 250, Beverly Hills, California 90212.

On **March 18, 2020**, I served the foregoing document described as **PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT**, on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP Thomas R. Kaufman, Esq. Michael T. Campbell, Esq. 1901 Avenue of the Stars, Ste. 1600 Los Angeles, CA 90067-6055	Attorneys for Defendant YOSHINOYA AMERICA, INC.: Tel: (310) 228-3700 Fax: (310) 228-3701
----------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------

BY MAIL - As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Beverly Hills, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

BY ELECTRONIC TRANSMISSION VIA CASEANYWHERE: Based on a Court order or on an agreement by the parties to accept service by e-mail or electronic transmission, I caused the document(s) described above to be sent from e-mail address tleal@rosensaba.com to the persons at the e-mail address listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct

Executed on **March 18, 2020**, at Beverly Hills, California.

/s/ Tanya Leal

