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FILED
Superior Court of California
County of Los Angeles

03/21/2024

David W. Slayton, Executive Officer / Clerk of Court

By: _____ A. He _____ Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

JOY MACOPSON, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

PACIFIC BELL TELEPHONE COMPANY, a
California corporation, and DOES 1 to 100,
inclusive

Defendants.

CASE NO: 22STCV13800

CLASS & REPRESENTATIVE ACTION

~~[THIRD AMENDED PROPOSED]~~ ORDER
GRANTING PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Date: February 16, 2024
Time: 10:30 a.m.
Dept.: 1 (Spring Street)
Judge: Hon. Stuart M. Rice
Res. Id.: N/A - Set By Court

1 **PROPOSED ORDER**

2 Having reviewed Plaintiff Joy Macopson’s Motion for Preliminary Approval of Class
3 Action Settlement and all original and supplemental papers filed in support thereof (the “Motion”),
4 which included therein a request for provisional certification of the identified Settlement Class for
5 settlement purposes only, a request for approval as to the form and manner of disseminating notices
6 to the Settlement Class, for appointment of the Class Representative, Class Counsel, and the
7 Settlement Administrator, for the Court to set the deadlines by which Settlement Class Members
8 may request to exclude themselves from or object to the proposed settlement, and to set a final
9 approval hearing; having reviewed and considered the parties’ Amended Class Action and PAGA
10 Settlement Agreement and Class Notice (the “Settlement Agreement”) submitted in support of the
11 Motion; having heard and considered the oral arguments presented at the regularly scheduled
12 hearing on the Motion; and having reviewed and considered all other papers filed in this Action,
13 the Court **HEREBY ORDERS** as follows:

14 1. This Order shall incorporate by reference the Settlement Agreement. To the extent
15 the terms used herein are defined in the Settlement Agreement, all such terms used herein shall
16 have the same meaning as defined in the Settlement Agreement;

17 2. The Court has jurisdiction over the claims asserted in this Action and has personal
18 jurisdiction over Plaintiff, Defendant Pacific Bell Telephone Company, and members of the
19 Settlement Class;

20 3. Preliminary approval of the settlement reached in this class and representative action
21 is **GRANTED**. The Court finds that the settlement has been reached through arm’s length,
22 adversarial and non-collusive bargaining; Plaintiff’s counsel has conducted a sufficient
23 investigation into the facts and legal claims raised by this Action; and counsel for Plaintiff is
24 experienced in similar litigation. The Court, therefore, finds that the proposed settlement is within
25 the range of reasonableness of a settlement that could ultimately be given final approval by this
26 Court.

1 4. The Court finds that, for settlement purposes only, the Settlement Class meets the
2 requirements for certification under Civ. Proc. Code § 382, in that:

- 3 a. The Settlement Class is ascertainable and so numerous that joinder of all
4 members of the class is impracticable;
- 5 b. Common questions of law and fact predominate, and there is a well-defined
6 community of interest among the members of the Settlement Class with
7 respect to the subject matter of the litigation;
- 8 c. Plaintiff's claims are typical of the claims of the members of the Settlement
9 Class;
- 10 d. Plaintiff will fairly and adequately protect the interest of the Settlement
11 Class;
- 12 e. The attorneys of Potter Handy LLP are qualified to serve as Class Counsel
13 for the members of the Settlement Class, including the Class Representative;
- 14 f. A class action is the superior method to resolve the dispute.

15 5. The Court provisionally certifies, for settlement purposes only, the Settlement Class
16 defined as follows:

17 All individuals who are or were employed in California from April 26, 2018
18 through the date of Preliminary Approval of the Settlement by Defendant as hourly,
19 non-exempt employees or by AT&T Services, Inc. in a technician position, but
20 excluding anyone who has filed their own separate action as a named plaintiff
alleging the same or similar claims being released by the Settlement and/or who
has previously released such claims.

21 6. Plaintiff Joy Macopson is appointed as the Class Representative;

22 7. Plaintiff's counsel, Mark D. Potter and James M. Treglio of Potter Handy LLP, are
23 appointed as Class Counsel for the Settlement Class;

24 8. The Court preliminarily approves the Gross Settlement Fund Amount, as defined in
25 Section 1.21 of the Settlement Agreement, of \$2,235,000.00 which includes (a) the fees and
26 expenses of the Claims Administrator, not to exceed \$75,000 (b) Plaintiff's proposed Service
27 Awards of \$20,000; (c) attorneys' fees of up to \$584,597.33 (one-third of the \$1,753,792.00 Gross
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1 Settlement Fund Amount after application of the Individual Settlement Amount payment credit of
2 \$481,208.00 as defined and provided in Sections 1.22, 1.25, 3.1 and 3.1.1 of the Settlement
3 Agreement); (d) litigation costs of \$25,000; (e) a payment to the LWDA for their portion of the
4 PAGA penalties in the amount of \$60,000; and (f) the aforementioned Individual Settlement
5 Amount payment credit of \$481,208.00. The remaining amount, before applying the Individual
6 Settlement Amount to the Gross Settlement Fund Amount, is an estimated \$1,490,402.67 (the “Net
7 Settlement Amount”) that will be available to be claimed by all Class Members.

8 9. Atticus Administration is appointed as the Administrator for the Settlement of the
9 Action and a reasonable Administration Expenses Payment shall be paid as set forth in the
10 Settlement Agreement;

11 10. The Notices of Class Action Settlement and Release of Claims, copies of which are
12 attached as Exhibit A and Exhibit B to the Settlement Agreement (the “Class Notices”), are
13 approved as to their form and content. The Court finds that the Class Notices’ form, content, and
14 manner of distribution as set forth in the Settlement Agreement satisfy the due process requirements
15 and shall thus constitute due and sufficient notice to all parties entitled thereto. The Class Notices
16 shall be distributed to Settlement Class Members in the manner outlined in the Settlement
17 Agreement;

18 11. Defendant shall provide the Administrator with the Class Data, which includes each
19 Settlement Class Member’s name, last-known mailing address, Social Security number, and data
20 sufficient for the Administrator to calculate the number of Class Membership Period Workweeks
21 and PAGA Pay Periods in the manner outlined in the Settlement Agreement, within thirty (30)
22 calendar days of the date of this Order;

23 12. The Administrator shall mail the court-approved Class Notices using the procedures
24 and methods outlined in the Settlement Agreement within fourteen (14) calendar days of receipt of
25 the Class Data;

26 13. Any Settlement Class Member may elect to be excluded from the settlement as
27 provided in the Settlement Agreement and the Class Notices. All requests for exclusion must be
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1 post marked on or before the Response Deadline. Settlement Class Members who do not submit a
2 timely request for exclusion to the Administrator shall be bound by the Settlement Agreement, all
3 determinations of this Court, and final judgment;

4 14. Any Settlement Class Member may object to the settlement or express their views
5 regarding the settlement and may present evidence, file brief or other papers that may be proper
6 and relevant to the issues to be heard and determined by the Court, as provided in the Settlement
7 Agreement and the Class Notices. Any Settlement Class Member who does not make their
8 objection at or before the final approval hearing shall be deemed to have waived any such objection
9 and shall be foreclosed from objecting to the settlement;

10 15. The final approval hearing shall be held on August 7, 2024 at 10:30 a.m. in
11 Department 1 of the above-entitled Court, located at 312 N. Spring Street, Los Angeles, California
12 90012, to determine all necessary matters concerning the Settlement Agreement, including whether
13 the proposed settlement of the Action on the terms and conditions provided for in the Settlement
14 Agreement is fair, adequate and reasonable and should be finally approved by the Court. At that
15 time, the Court will also hold a hearing on Class Counsel's application for attorneys' fees and costs
16 and the Class Representative Service Payment;

17 16. Plaintiffs shall file their Motion for Final Approval of Class Action Settlement no
18 later than sixteen (16) court days before the final approval hearing;

19 17. Class Counsel shall file their application for attorneys' fees and costs and the Class
20 Representative Service Payment no later than sixteen (16) court days before the final approval
21 hearing;

22 18. Pending the final approval hearing, all proceedings in this action, other than the
23 proceedings necessary to carry out or enforce the terms and conditions of the Settlement Agreement
24 and this Order, shall be stayed;

25 19. The Court reserves the right to adjourn or continue the date of the final approval
26 hearing and all dates provided for in the Settlement Agreement, without further notice to the
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1 Settlement Class, and retains continuing and exclusive jurisdiction to consider all further
2 applications arising out of or in connection with the Settlement Agreement;

3 20. If, for any reason, the settlement is not finally approved or does not become
4 effective, this Order Granting Preliminary Approval of Class Action Settlement shall be deemed
5 vacated and shall have no force or effect whatsoever, and the Action shall proceed as if no
6 settlement had been attempted.

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8 **IT IS SO ORDERED.**



12 Dated: T 8&@G FCG

13 Stuart M. Rice / Judge

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HON. STUART M. RICE
JUDGE OF THE LOS ANGELES COUNTY
SUPERIOR COURT