

FILED
San Francisco County Superior Court

MAR 07 2022

CLERK OF THE COURT
BY:  Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

BENITO SEGURA, on behalf of himself and all other persons similarly situated,

Plaintiff,

vs.

ALTIA TRANSPORTATION CORPORATION,
THOMAS GASPARINI, and DOES 1-10,
inclusive,

Defendants.

Case No. CGC-20-586926

ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF
CLASS/PAGA SETTLEMENT

1 Plaintiff's unopposed Motion for Preliminary Approval of Class Settlement came on for
2 hearing on February 28, 2022 at 10:00 a.m. Having read and considered the moving papers,
3 which were filed on November 5, 2021 and November 8, 2021, and the supplemental papers,
4 which were filed on January 6, 2022, February 10, 2022, February 25, 2022 and March 4, 2022,¹
5 the Court finds and orders as follows:

6 1. The Settlement Agreement preliminarily appears to be within the range of possible
7 final approval, such that notice should be provided to the Class.

8 2. The Court preliminarily approves the Settlement Agreement.²

9 3. The Court grants conditional certification for settlement purposes only of the
10 following Class for settlement purposes only, pursuant to Code of Civil Procedure section 382:

11 All non-exempt delivery drivers who have worked for Defendants Altia
12 Transportation Corporation and/or Thomas Gasparini within the State of California
13 at any time from September 16, 2016 through March 7, 2022.

14 4. For settlement purposes only, the proposed Class meets the requirements for
15 certification under Code of Civil Procedure section 382. Specifically, for settlement purposes: (1)
16 the proposed Class is numerous and ascertainable, (2) there are predominant common questions of
17 law or fact, (3) Plaintiff's claims are typical of the claims of the members of the proposed Class;
18 and (4) a class action is superior to other methods to efficiently adjudicate this controversy.

19 5. For settlement purposes only, the Court appoints Marco A. Palau, Joseph D. Sutton,
20 and Eric S. Trabucco of Advocates for Worker Rights LLP as Class Counsel for the Class. The
21 Court preliminarily finds that Class Counsel will represent the Class fairly and adequately in
22 accordance with Code of Civil Procedure section 382.

23 6. For settlement purposes only, the Court appoints Plaintiff Benito Segura as the Class
24 Representative. The Court preliminarily finds that the Class Representative will adequately
25 represent the Class in accordance with Code of Civil Procedure section 382.

26 ¹ The operative Settlement Agreement is attached as Exhibit 1 to the March 4, 2022 Third
27 Supplemental Declaration of Joseph Sutton.

28 ² Plaintiff shall serve a copy of the operative Settlement Agreement on the LWDA within one
week of entry of this order.

1 7. The Court appoints Phoenix Class Action Administration Solutions as the
2 Settlement Administrator and directs the Settlement Administrator to perform all tasks related to
3 administration and distribution of this Settlement. The proposed Settlement Administrator, Phoenix
4 Class Action Administration Solutions, provided a bid not to exceed \$5,950 to administer this
5 Settlement. Should the administration cost be less than \$5,950, the difference will be distributed to
6 the Class.

7 8. The Court approves, as to form and content, the revised Class Notice packet,
8 attached to the Settlement Agreement, found at as Exhibit 1 to the March 4, 2022 Third
9 Supplemental Declaration of Joseph Sutton. The Parties may make any necessary changes to these
10 documents provided those changes are consistent with this Order.

11 9. The procedure for providing notice to the Class set forth in the Settlement
12 Agreement at paragraph III(F)(2) meets the requirements of due process and constitutes the best
13 notice practicable under the circumstances.

14 10. The provision of a settlement website as described in the Class Notice packet is
15 approved. The settlement website will include the following documents in pdf format: the First
16 Amended Complaint, the Settlement Agreement, all papers filed in connection with preliminary
17 approval, the Class Notice packet, and, when available, all documents filed in connection with the
18 final approval hearing.

19 11. The procedures set forth in paragraphs III(F)(3) of the Settlement Agreement for
20 Class members to object to, or request exclusion from, the Settlement are approved.

21 12. A Final Approval Hearing shall be held on June 22, 2022 at 9:00 a.m. in Department
22 304 of this Court, to determine whether the Settlement is fair, adequate, reasonable, and should be
23 approved; whether Class Counsel's application for fees and costs should be approved; whether
24 Plaintiff's application for a service award should be approved; whether the cy pres designee should
25 be approved; and any other matters that the Court deems appropriate. The Court may adjourn or
26 continue the date of the Final Approval Hearing without further notice to the Class

27 13. The Court sets the following dates (to the extent any discrepancies between these
28 items and the Settlement exist, the terms of this Order shall control):

1	Event	Deadline
2 3 4 5 6 7 8 9 10 11	Defendants shall provide the Settlement Administrator with Class Member Data, preferably in electronic form, containing, for each Class Member, the Class Member's name, employee identification number, last known address, email address if available, and Social Security number, the end date for each Class Member's employment, and the number of workweeks worked by the Class Member for Defendants	Within 7 Business Days of Entry of this Order
12 13 14 15 16 17 18 19 20	Settlement Administrator will email (to the extent that email addresses are available) and mail the Class Notice Packets to all identified Class Members via first-class regular U.S. Mail using the mailing address information provided by Defendants, unless modified by any updated address information that the Settlement Administrator obtains in the course of administration of the Settlement	Within 7 Business Days of Receipt of Database
21 22	Settlement Administrator will cause Settlement Website to go live	The Same Date that the first Notice is Mailed
23 24 25 26 27 28	Settlement Administrator will search for a more current address for the Class Member using Accurint and other reasonable and cost-effective skip trace methods, and re-mail the Class Notice Packet to the Class Member along with a Notice of Re-mailing	Within 7 Business Days of Receipt of a Class Notice Packet Returned Undeliverable Because of an Incorrect Address

1	Submission of Requests for Exclusion	60 Calendar Days After Notice is Sent
2	Submission of Objections	60 Calendar Days After Notice is Sent
3	Submission of Workweek Disputes	60 Calendar Days After Notice is Sent
4	Filing of Motion for Attorneys' Fees, Costs,	30 Calendar Days After Notice is Sent
5	and Service Award	
6	Filing of Final Approval Motion	16 Court Days Prior to the Final Approval
7		Hearing
8	Final Approval Hearing	June 22, 2022 at 9:00 a.m.

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10 **IT IS SO ORDERED.**

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13 Dated: March 7, 2022



14 Ethan P. Schulman
15 Judge of the Superior Court

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CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)

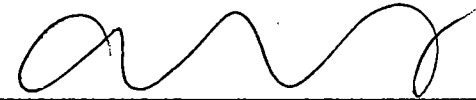
I, Ericka Larnauti, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On March 7, 2022, I electronically served the attached document via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: March 7, 2022

T. Michael Yuen, Clerk

By: _____



Ericka Larnauti, Deputy Clerk