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David H. Yamasaki

Chief Executive Officer/Clerk

Superior Court of CA, County of Santa Clara

Case #1-13-CV-249431 Filing #G-78759

By R. Walker, Deputy

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15
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA

17 FOR THE COUNTY OF SANTA CLARA

18
19 CARLOS LOPEZ, individually and on
behalf of Proposed Class Members, PAGA
20 Representative Class, and all others
similarly situated,

21 Plaintiffs,

22 v.

23 LOGISTICS DELIVERY SOLUTIONS,
LLC, a Limited Liability Company
24 headquartered in California doing business
as DELIVERY SOLUTIONS OF
25 AMERICA; ANTECH DIAGNOSTICS,
INC., a corporation headquartered in
26 California; Does 1 through 100,

27 Defendants.

Case No. 113CV249431

[Assigned To The Honorable Peter Kirwan For All
Purposes]

**AMENDED ~~PROPOSED~~ ORDER GRANTING
UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT**

DATE: November 20, 2015

TIME: 9:00 a.m.

DEPT: 1

Date Action Filed: July 12, 2013

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 The Unopposed Motion for Preliminary Approval of Settlement came before this Court on
3 November 20, 2015, the Honorable Peter H. Kirwan presiding. The Court having considered the
4 papers submitted in support of the Motion, HEREBY GRANTS THE UNOPPOSED MOTION FOR
5 PRELIMINARY APPROVAL OF SETTLEMENT AND ORDERS AS FOLLOWS:

6 1. The Court grants preliminary approval of the settlement as set forth in the Stipulation of
7 Settlement, as amended (hereinafter referred to as "Settlement"). This Order hereby incorporates by
8 reference the definitions in the Settlement as though set forth herein, and all terms used herein shall
9 have the same meaning as set forth in the Settlement.

10 2. The Settlement falls within the range of reasonableness and appears to be fair, adequate
11 and reasonable to the Settlement Class, subject only to any objections that may be raised at the final
12 fairness hearing and final approval by this Court.

13 3. A final fairness hearing on the question of whether the proposed Settlement, attorneys'
14 fees and costs to class counsel, and the Named Plaintiff Enhancement award should be finally
15 approved as fair, reasonable and adequate as to the members of the Settlement Class is scheduled in
16 Department 1 on the date and time set forth in the implementation schedule in Paragraph 10 below.
17 The Court reserves the right to adjourn or continue the date of the final fairness hearing and all dates
18 provided in this Order without further notice to the Settlement Class, and retains jurisdiction to
19 consider all further applications arising out of or connected with the proposed Settlement.

20 4. Any Settlement Class member who has not opted out may appear at the final fairness
21 hearing and may object or express the member's views regarding the Settlement, and may present
22 evidence and file briefs or other papers that may be proper and relevant to the issues to be heard and
23 determined by the Court as provided in the Settlement and Notice of Class Action Settlement.
24 Settlement Class members who fail to make objections in the manner specified above shall be deemed
25 to have waived any objections and shall be foreclosed from making any objection (whether by appeal
26 or otherwise) to the Settlement and/or from appealing any order by the Court approving the Settlement.

27 5. This Court approves, as to form and content, the Notice of Class Action Settlement and
28 Claim Form attached as Exhibits A and B to the Amendment to Settlement Stipulation.

1 6. The Court directs the mailing of the Notice of Class Action Settlement and the Claim
 2 Form by first class mail to the Settlement Class members in accordance with the Settlement and the
 3 implementation schedule set forth below. The Court finds that the mailing content, form, procedures,
 4 and implementation schedule, as set forth herein and in the Settlement, meet the requirements of due
 5 process and provide the best notice practicable under the circumstances and shall constitute due and
 6 sufficient notice to all persons entitled thereto.

7 7. It is ordered that the Settlement Class is preliminarily and conditionally certified, for
 8 settlement purposes only, as stated in the Settlement: All persons who entered into independent
 9 contractor agreements with DSA and, within the context of that relationship, made pick-ups from or
 10 deliveries to Antech’s clinic customers in the State of California during the period from July 12, 2009,
 11 to the date the Court enters this Order. As stated in the Settlement, nothing in the Settlement or this
 12 Order shall constitute an admission by Defendants of any liability, wrongdoing, or the propriety of
 13 certifying a class for any reason other than settlement purposes. Rather, it appears that the Settlement
 14 is an effective and efficient way to resolve the disputes between the Parties.

15 8. This Court confirms Plaintiff Carlos Lopez as class representative, and James Dal Bon
 16 of Law Office of James Dal Bon, Victoria Booke of Booke & Ajlouny, and Viana Cowan, Attorney at
 17 Law, as class counsel, for settlement purposes only.

18 9. This Court confirms Kurtzman Carson Consultants LLC as the Claims Administrator.

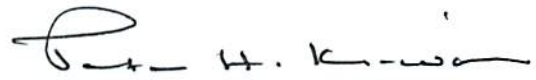
19 10. The Court orders the following implementation schedule for further proceedings:

a.	Deadline for Defendants to submit Class List to Claims Administrator	15 calendar days after Order granting preliminary approval
b.	Deadline for Claims Administrator to mail the Notice and Claim Form to Settlement Class Members	15 calendar days after receiving the Class List from Defendants
c.	Deadline for Settlement Class Members to postmark Claim Forms	45 calendar days after the mailing date of the Notice and Claim Form to Settlement Class Members, or if there are re-mailings, 45 calendar days from

		the date of the original mailing or 14 calendar days after the re-mailing, whichever is later
d.	Deadline for Settlement Class Members to submit written objections	30 calendar days after the mailing date of the Notice and Claim Form to Settlement Class Members
e.	Deadline for Settlement Class Members to postmark exclusions/opt out	45 calendar days after the mailing date of the Notice and Claim Form to Settlement Class Members, or if there are re-mailings, 45 calendar days from the date of the original mailing or 14 calendar days after the re-mailing, whichever is later
f.	Deadline for Defendants to exercise limited right to cancel	10 business days after expiration of the Opt-Out Period if ten (10) or more Settlement Class Members opt out
g.	Deadline for class counsel to file motion for final approval of Settlement	16 court days before final fairness hearing
h.	Final fairness hearing	March 25, 2016 at 9:00 a.m.

IT IS SO ORDERED.

Date: 11 | 30, 2015



Judge of the Superior Court,
Santa Clara County