

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
Hayward Hall of Justice

<p>Khayo Sishi et al Plaintiff/Petitioner(s) VS. Eskaton Properties Incorporated et al Defendant/Respondent(s)</p>	<p>No. RG21100764</p> <p>Date: 01/20/2023 Time: 9:00 AM Dept: 512 Judge: Eumi Lee</p> <p style="text-align: center;">ORDER re: Hearing on Motion - Other Preliminary Approval of Settlement</p>
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The Court having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

The Motion for Preliminary Approval of Settlement filed by Khayo Sishi on 12/23/2022 is Granted.

The unopposed motion of Plaintiffs Khayo Sishi, Sandeep Purewal, Vanessa Barber, and Cherra Redd, for preliminary approval of class action settlement, certification of settlement class, approval of notice of settlement, and setting of hearing for final approval, is GRANTED.

To protect the interests of absent class members, class action settlements must be reviewed and approved by the Court. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1800.) California follows a two-stage procedure for court approval: first, the Court reviews the form of the terms of the settlement and form of settlement notice to the class and provides or denies preliminary approval; later, the Court considers objections by class members and grants or denies final approval. (CRC 3.769.)

Here, the settlement was negotiated by counsel for the parties, following settlement discussions supported by mediator Jeffrey Krivis. (See Cottrell Decl., para. 20-22.) The Court gives considerable weight to the competency and integrity of counsel in concluding that the proposed Settlement Agreement is reasonable and represents an arm's length transaction entered into without self-dealing or other potential misconduct. (See *Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 129.)

The Court therefore preliminarily approves the Settlement Agreement. (See Cottrell Decl., Exh. 1.) This is based on the Court's determination that the proposed settlement is within the range of possible final approval.

The Court also approves the proposed Notice of Class Action Settlement ("Notice of Settlement"). (See Exh. 3 to Settlement Agreement.) The Notice of Settlement shall be provided to class members in the manner set forth in the Settlement Agreement.

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The Court approves the appointment of Plaintiffs' counsel as class counsel, and conditionally certifies the class as set forth in the moving papers, Settlement Agreement, and Notice of Settlement.

The Court is inclined to approve the attorney's fees to be requested by Plaintiff's counsel in the amount of \$1,833,333.33, which represents one third of the total settlement amount. The Court has an independent responsibility to consider the reasonableness of fee awards. (Consumer Privacy Cases (2009) 175 Cal.App.4th 545, 555.) The Court finds that the proposed percentage is reasonable in light of the nature and scope of this case.

At hearing on January 20, 2023, Defendants' counsel raised concerns regarding the redactions related to the verifications of Plaintiffs' electronic signatures. This was the first time the issue was raised, and Defendants agreed that it did not impact the substance of the settlement agreement. Parties met and conferred during the hearing. It appears that the Plaintiffs' email addresses had been redacted. The Court orders Plaintiffs to provide unredacted verifications to Defendants, upon entering into a stipulation regarding the limited use of the email addresses. Should parties seek the Court's approval of the stipulation, parties must submit it to the Court within two weeks of this Order.

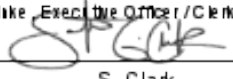
The Court tentatively sets this matter for hearing on July 28, 2023, at 9:00 a.m. in Department 512, for final approval of the Settlement Agreement and attorney's fees and costs. The hearing will be confirmed once Plaintiff files the moving papers. At that hearing, the Court will hear and decide the question of whether the proposed settlement should be finally approved as fair, reasonable, and adequate as to the class. At that time, the Court will also consider Plaintiff's application for attorney fees, costs, settlement administration expenses, and service payments to the class representative. Should the parties need additional time before the Court hears the motion for final approval, they are ordered to request a continuance at least 30 days before the scheduled hearing.

Clerk is directed to serve copies of this order, with proof of service, to counsel and to self-represented parties of record.

Dated: 01/20/2023



Eumi Lee / Judge

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Hayward Hall of Justice 24405 Amador Street, Hayward, CA 94544	FILED Superior Court of California County of Alameda 01/20/2023
PLAINTIFF/PETITIONER: Khayo Sishi et al	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy S. Clark
DEFENDANT/RESPONDENT: Eskaton Properties Incorporated et al	
CERTIFICATE OF MAILING	CASE NUMBER: RG21100764

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Hayward, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

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Dated: 01/20/2023

Chad Finke, Executive Officer / Clerk of the Court

By:



S. Clark, Deputy Clerk

CERTIFICATE OF MAILING