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8 For Plaintiff, STEPHEN S. CHANG  
9 and on behalf of others similarly situated

10  
11  
12 SUPERIOR COURT OF CALIFORNIA  
13 COUNTY OF LOS ANGELES

14  
15 STEPHEN S. CHANG, individually and on  
behalf of others similarly situated,

16 Plaintiff,

17 v.

18 CEDARS BUSINESS SERVICES, LLC dba  
19 CEDAR FINANCIAL; and DOES 1-25,

20 Defendants.

Unlimited Jurisdiction

Case No.: BC628781

[Assigned to Hon. Elihu M. Berle, Dept. SSC 6]

Class Action

~~PROPOSED~~ ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT

Complaint Filed: July 28, 2016  
Trial Date: March 25, 2019

PRELIMINARY APPROVAL HEARING

Date: April 5, 2019  
Time: 1:30 p.m.  
Dept. SSC 6

**RECEIVED**  
LOS ANGELES SUPERIOR COURT

APR 19 2019

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

MAY 09 2019

Sherri R. Carter, Executive Officer/Clerk  
By: Pedro Martinez, Deputy

**ORDER**

1  
2 Plaintiff Stephen Chang's ("Plaintiff" or "Chang") Motion for an Order Granting  
3 Preliminary Approval of the Class Settlement (the "Motion for Preliminary Approval") of the  
4 above-captioned action on a class basis, approving the manner and content of notice to the  
5 Settlement Class Members, and setting a final approval hearing, came on for hearing in  
6 Department 6 of this Court, Judge Elihu Berle presiding, on ~~April 5, 2019~~ *May 9, 2019*

7 Having read the Class Action Settlement Agreement (the "Settlement Agreement") by  
8 and between Plaintiff Stephen Chang and Defendant Cedars Business Services, LLC dba Cedar  
9 Financial. ("Cedar Financial" or "Defendant") (Cedar Financial and Chang are referred to herein  
10 collectively as the "Parties"), the Motion for Preliminary Approval, as well as the points and  
11 authorities and declarations filed in support thereof, and having heard the Parties' arguments, this  
12 Court finds that the proposed Settlement appears fair, reasonable, and adequate; notice of the  
13 proposed Settlement should be given by direct mail to Settlement Class Members and by website  
14 in the manner described herein and more fully in the Settlement Agreement and Amendments  
15 thereto; and a hearing should be held after said notice is issued to determine if the Settlement  
16 Agreement and the proposed Settlement are fair, reasonable, and adequate to the Settlement  
17 Class and if an order granting final approval should be entered in this action based upon the  
18 terms of the Settlement Agreement.

19 **IT IS THEREFORE ORDERED THAT:**

20 This Order incorporates by reference the Parties' Settlement Agreement and any  
21 amendments thereto on file with this Court, and all undefined capitalized terms herein shall have  
22 the same meaning as set forth in the Settlement Agreement.

23 The Settlement Agreement and the proposed Settlement described therein, including but  
24 not limited to the releases given therein, are preliminarily approved as fair, reasonable, and  
25 adequate.

26 The Court approves as to form and content the Notice of Proposed Settlement attached as  
27 Exhibit "A" to the Settlement Agreement, the Claim Form attached as Exhibit "C" to the  
28 Settlement Agreement, and the Postcard Notice to persons who did not receive a Qualifying Call

1 during the Class Period attached as Exhibit "B" to the Settlement Agreement.

2 The Court appoints ILYM Group, Inc. as Settlement Administrator.

3 The Court approves the Parties' plan to determine which members of Notice Class shall  
4 remain as Settlement Class Members eligible to file a claim, and which persons on the Notice  
5 List shall receive the Postcard Notice attached as Exhibit "B" to the Settlement Agreement. The  
6 Court finds that the Parties have agreed on the list of Qualifying Calls and Orders Class Counsel  
7 to produce the list of Qualifying Calls to the Settlement Administrator no later than

8 May 10, 2019.

9 The Notice Plan, set forth in the Settlement Agreement, which provides for direct mail  
10 notice to Settlement Class Members and other persons identified on the Notice List and notice by  
11 website, substantially in the manner and form as set forth in the Settlement Agreement and this  
12 Order, meets the requirements of Section 382 of the *Code of Civil Procedure*, Rule 3.769 of the  
13 California Rules of Court, and due process, and is the best notice practicable under the  
14 circumstances, and shall constitute due and sufficient notice to all persons entitled thereto. The  
15 Court orders implementation of the Notice Plan. The Settlement Administrator shall mail the  
16 respective Notices, Exhibits A and C to the Settlement Agreement, to each person on the Notice  
17 List no later than seven (7) days after entry of this Order.

18 The Court directs the Settlement Administrator to publish the Notice and Claim Form on  
19 a unique website created for the administration of this Settlement. The Court further directs the  
20 Settlement Administrator to make the website available online to all Settlement Class Members  
21 no later than seven (7) days after entry of this Order.

22 All completed Claim Forms must be submitted to the Settlement Administrator, <sup>postmarked</sup> by mail  
23 or online submission, no later than July 24, 2019 ~~sixty (60) days after mailing of the Notice by the Settlement~~  
24 ~~Administrator to the Claimant~~. The submission date is the date of the postmark date if by mail or  
25 the date of online submission if by internet submission.

26 No member of the Settlement Class shall be permitted to seek exclusion from the  
27 Settlement Class, as each individual previously received an opportunity to seek exclusion from  
28 the class action following the Court's April 19, 2018 Order certifying the class.

1 ~~The Court finds that the amounts requested within the Settlement Agreement as an~~  
2 ~~Enhancement Award for Plaintiff's service to the class, Attorney's Fees, and Administration~~  
3 ~~costs are within a reasonable range for this action and are preliminarily approved on such basis.~~  
4 ~~The Court shall make additional findings upon Plaintiff's motion for final approval of this Class~~  
5 ~~Action Settlement.~~

6 ~~Having requested and reviewed additional briefing from Class Counsel with respect to~~  
7 ~~the requested fee amount of up to forty percent (40%) of the Gross Settlement Amount rather~~  
8 ~~than a common fund allocation of one-third of the Gross Settlement Amount, the Court finds that~~  
9 ~~Class Counsel has provided a sufficient basis to support a finding that the upper limit of fees to~~  
10 ~~be requested under the Settlement Agreement is within the range of reasonableness, subject to~~  
11 ~~further scrutiny at the time of final approval.~~

12 A final approval Settlement Hearing shall be held before this Court in Department 6 of  
13 the above-captioned court located at 312 N. Spring Street, Los Angeles, California 90012, on  
14 Aug. 26, 2019 9 a.m. p.m. to determine: (a) whether the settlement of the  
15 Action should be approved as fair, reasonable and adequate; (b) whether said proposed  
16 Settlement should be finally approved by the Court; (c) whether a Final Judgment, as provided in  
17 Section 10 of the Settlement Agreement, should be entered by the Court; (d) whether a final  
18 order certifying the Settlement Class should be entered by the Court; (e) whether the  
19 enhancement award to Plaintiff, described in Section 5.2 of the Settlement Agreement, should be  
20 approved; and (f) whether the application of Class Counsel for an award of attorneys' fees, costs,  
21 and expenses, pursuant to Section 5.2 of the Settlement Agreement, should be approved. The  
22 Court may adjourn or continue the Settlement Hearing without further notice to the Settlement  
23 Class.

24 Class Counsel shall file a motion for final approval of settlement ~~at least fifteen (15) days~~  
25 ~~before the date of the Settlement Hearing.~~ than June 29, 2019. ~~Class Counsel shall include therein, or separately file~~  
26 ~~at the same time, any applications they may wish to make for attorneys' fees, costs, and~~  
27 ~~expenses.~~

28 Any Settlement Class Member who objects to the Settlement Agreement, the proposed

1 Settlement therein, and/or the application of Class Counsel for attorneys' fees, costs, and  
2 expenses, shall have a right to appear and be heard at the Settlement Hearing. Any such person  
3 must submit a written notice of objection to the Settlement Administrator, postmarked at least  
4 *no later than July 29, 2019.* ~~twenty one (21) days prior to the date of the Settlement Hearing. Only Settlement Class~~  
5 ~~Members who have submitted valid and timely written notices of objection will be entitled to be~~  
6 ~~heard at the Settlement Hearing, unless the Court otherwise so orders.~~ Settlement Class  
7 Members who object to the settlement of this Action and/or the application of Class Counsel for  
8 attorneys' fees, costs, and expenses shall nevertheless be bound by the terms of the proposed  
9 settlement and Final Judgment.

10 Neither this Order, the Settlement Agreement, nor any of their terms or provisions, nor  
11 any of the negotiations or proceedings connected with them, shall be construed as an admission  
12 or concession by Cedar Financial or the Related Persons of the truth of any of the allegations in  
13 the Complaint, or of any liability, fault, or wrongdoing of any kind.

14 Except as may be necessary to implement the settlement of the Action or comply with the  
15 terms of the Settlement Agreement, all discovery and other proceedings in the Action with  
16 respect to the claims and defenses of the Parties shall be stayed until further order of the Court.  
17 Pursuant to California Code of Civil Procedure, section 664.6, and California Rules of Court,  
18 rule 3.769(h), following the issuance of the Final Judgment, the Court shall retain continuing  
19 jurisdiction over the subject matter of the Action, the Class Representative, the Settlement Class  
20 Members, and the Defendant to administer the matters set forth in the Settlement Agreement.

21 The Final Judgment, when and if entered, will permanently bar and enjoin all Releasers  
22 from commencing or prosecuting any direct or representative action, or any action in any other  
23 capacity, asserting or relating to any of the Released Claims

24 The Court may, for good cause, extend any of the deadlines set forth in this Order  
25 without further notice to the Settlement Class.

26 ///

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28 ///

1 TIME TABLE

2 May <sup>10</sup>~~13~~, 2019: Last day for Defendant to provide list of disputed Qualifying Calls to  
3 Plaintiff;

4 May <sup>24</sup>~~16~~, 2019: Last day for the Settlement Administrator to mail Notices and publish  
5 website;

6 June <sup>24</sup>~~15~~, 2019: Last day for Settlement Administrator to mail reminder postcards to  
7 Settlement Class;

8 July <sup>24</sup>~~15~~, 2019: Deadline to submit valid claim forms;

9 7/24, 2019: Deadline to submit written objections (~~21 days before Final Approval~~  
10 ~~Hearing~~);

11 6/24, 2019: Plaintiff to file final approval documents (~~15 days before Final Approval~~  
12 ~~Hearing~~);

13 8/26, 2019: Final Approval Hearing

14 8/9/2019 Administrator report and response to  
15 objections.

16 IT IS SO ORDERED.

17  
18 Dated: May 9, 2019

19  
20 ELIHU M. BERLE

21 By: \_\_\_\_\_  
22 Hon. Elihu Berle  
23 Los Angeles Superior Court Judge

**PROOF OF SERVICE**

1 STATE OF CALIFORNIA, }  
2 }  
3 COUNTY OF LOS ANGELES }

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
5 and not a party to the within action; my business address is: 15303 Ventura Boulevard, Suite  
6 1650, Sherman Oaks, California 91403.

7 On April 18, 2019, I served the attached documents described as **PROPOSED ORDER**  
8 **ON MOTION FOR PRELIMINARY APPROVAL** on all interested parties in this action

9  by placing  the original  a true copy thereof enclosed in sealed envelopes addressed as  
10 follows:

11 **David J. Kaminski, Esq.**  
12 **CARLSON & MESSER LLP**  
13 **5901 W. Century Blvd., Suite 1200**  
14 **Los Angeles, CA 90045**  
15 **310-242-2200 Phone**  
16 **310-242-2222 Fax**  
17 *kaminskid@cmtlaw.com*

18 *Counsel for Defendant Cedars Business Services*  
19 *dba Cedar Financial*

20  BY MAIL

21  I deposited such envelope in the mail at Sherman Oaks, California. The envelope was  
22 mailed with postage thereon fully prepaid.

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

BY ELECTRONIC TRANSMISSION: I caused to be transmitted the document(s) described  
above on the parties listed via CaseAnywhere.

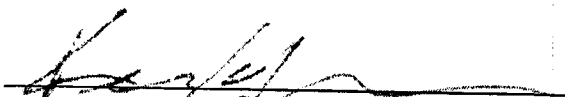
BY E-MAIL: I caused to be transmitted the document(s) described above on the parties listed  
herein.

EXECUTED on April 18, 2019, at Sherman Oaks, California.

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

Kenneth A. Goldman

Name

  
Signature