



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Case Number: CGC-15-545485

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ORDER

CHRISTOPHER JAVIER ET AL VS. EAT24, LLC ET AL

001C05451964

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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF SAN FRANCISCO

16 CHRISTOPHER JAVIER, AMBER
17 JOHNSON, and SANDY MANU, and all
others similarly situated,

18 Plaintiffs,

19 vs.

20 EAT24, LLC and YELP INC., and DOES 1-
21 25,

22 Defendants.

F I L E D

Superior Court of California
County of San Francisco

JUN 27 2016

CLERK OF THE COURT

BY: Rosie Novena
Deputy Clerk

Class Action Case No. CGC-15-545485

~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF
SETTLEMENT (EXHIBIT 1)

Complaint Filed: April 23, 2015

TRIAL DATE: NONE SET

June 27, 2016

1 Plaintiffs' motion for an order preliminarily approving a class action settlement and
2 setting a settlement hearing came on for hearing on or about ~~[fill in date]~~. Defendants filed a
3 notice of non-opposition to this motion. The Court has considered the Stipulation Re: Settlement
4 of Class Action (and its exhibits), the submissions of counsel, and all other papers filed in this
5 action. The matter having been submitted and good cause appearing therefor, the Court finds as
6 follows:

7 1. All defined terms contained herein shall have the same meanings as set
8 forth in the Stipulation Re: Settlement of Class Action executed by the Settling Parties and filed
9 with this Court (the "Stipulation");

10 2. The Class Representatives and Defendants, through their counsel of record
11 in the Litigation, have reached an agreement to settle all claims in the Litigation;

12 3. The Court conditionally finds that, for the purposes of approving this
13 settlement only, the proposed Class meets the requirements for certification under section 382 of
14 the California Code of Civil Procedure: (a) the proposed Class is ascertainable and so numerous
15 that joinder of all members of the class is impracticable; (b) for purposes of effectuating this
16 settlement, there are questions of law or fact common to the proposed Class, and there is a well-
17 defined community of interest among members of the proposed Class with respect to the subject
18 matter of the Litigation; (c) the claims of Class Representatives are typical of the claims of the
19 members of the proposed Class; (d) the Class Representatives have and will fairly and adequately
20 protect the interests of the Members of the Class; (e) for purposes of effectuating this settlement, a
21 class action is superior to other available methods for an efficient adjudication of this controversy;
22 and (f) the counsel of record for the Class Representatives is qualified to serve as counsel for the
23 Class Representative in their own capacities as well as their representative capacities and for the
24 Class;

25 4. The moving parties also have presented to the Court for review a
26 Stipulation Re: Settlement of Class Action. The Stipulation is within the range of reasonableness
27 and meets the requirements for preliminary approval; and
28

1 5. The moving parties have also presented to the Court for review a plan to
2 provide notice to the proposed Class of the terms of the settlement and the options facing the Class
3 including, *inter alia*: to opt out of the class action, to be represented by counsel of their choosing,
4 to object to the settlement, and/or to remain in the Settlement Class and become a Participating
5 Settlement Class Member. The notice will be mailed to all Class Members at their Last Known
6 Addresses with provisions for address verification. The notice plan proposed by the Settling
7 Parties is the best practical under the circumstances.

8 Good cause appearing therefor,

9 IT IS HEREBY ORDERED that:

10 1. Pursuant to California Rule of Court 3.769(d), the Stipulation of Settlement
11 is preliminarily approved and the Class is provisionally certified, and Hoyer & Hicks are hereby
12 appointed as Class Counsel, and Plaintiffs are hereby designated the Class Representative for
13 purposes of Settlement and Rust Consulting is hereby designated the Settlement Administrator;

14 2. Notice of the proposed settlement, and the rights of Class Members,
15 including the right to opt out of the settlement, shall be given by mailing of the Notice to Class
16 Members Re: Pendency of a Class Action by first class, postage prepaid, to all Class Members
17 pursuant to the applicable provisions in the Stipulation. Defendants shall provide the Settlement
18 Administrator with the information necessary to conduct this mailing as set forth in the
19 Stipulation;

20 3. A hearing shall be held before this Court on ^{November 14, 2016 at 9:30 a.m.} [fill in date] at [fill in time] to
21 consider whether the settlement should be given final approval by the Court:

22 (a) Written objections by Class Members to the proposed settlement will be
23 considered if received by the Settlement Administrator and Class Counsel on or before the Notice
24 Response Deadline;

25 (b) At the Settlement Hearing, Class Members may be heard orally in support
26 of or in opposition to the settlement;

27 *regardless of whether they have*
timely submitted an objection.

1 (c) Class Counsel and counsel for Defendants should be prepared at the hearing
2 to respond to objections filed by Class Members, and to provide other information as appropriate,
3 bearing on whether or not the settlement should be approved; and

4 (d) At the Settlement Hearing, the Court shall consider any motions or
5 applications for attorney fees, costs and litigation expenses consistent with the Stipulation.

6 4. In the event that the Effective Date occurs, all Settlement Class Members
7 will be deemed to have forever released and discharged the Released Claims. In the event that the
8 Effective Date does not occur for any reason whatsoever, the Stipulation shall be deemed null and
9 void and shall have no effect whatsoever.

10 5. All other proceedings in this action are hereby stayed pending the outcome
11 of the parties' request for final approval of the Settlement.

12
13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14
15 DATED: 6/27/16

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17 _____
18 Judge of the Superior Court
19 HAROLD KAHN
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