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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**

16 JONATHAN GIANNOULIS, et al.
17 Plaintiff

19 v.

21 DIRECTV, LLC,
22 Defendant

Case No. BC596668

CLASS ACTION

[Assigned for all purposes to The Honorable Maren E. Nelson, Spring Street Dept. 17]

[PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS AND PAGA ACTION SETTLEMENT; APPROVING FORM OF NOTICE TO THE CLASS; AND SETTING HEARING FOR FINAL APPROVAL HEARING

Date: April 25, 2022
Time: 9:00 a.m.
Dept: Spring Street Dept. 17
Judge: Hon. Maren Nelson

Action Filed: October 1, 2015
Trial Date: N/A

1 The unopposed motion of plaintiffs Jonathan Giannoulis and Deshon Allen for
2 preliminary approval of class and PAGA action settlement and for provisional certification of a
3 settlement class came on for hearing in Spring Street Department 17 of this Court on April 25,
4 2022. George Hanson of Stueve Siegel Hanson LLP, J. Toji Calabro of Calabro Law Office, and
5 Brad Lear of LearWerts LLP, appeared on behalf of plaintiffs. Raymond Bertrand and James de
6 Haan of Paul Hastings LLP appeared on behalf of defendant.

7 Having read the motion, the memoranda, and the declarations filed by the parties, and
8 having heard argument of counsel, this Court finds:

- 9 (1) That the parties have stipulated to a settlement class;
- 10 (2) It is impracticable to bring all members of the class before the Court;
- 11 (3) The class is ascertainable and is sufficiently numerous to warrant class treatment;
- 12 (4) The questions of law or fact common to the settlement class are substantially similar
13 and predominate over the questions affecting the individual members;
- 14 (5) The representative plaintiffs will fairly and adequately protect the interests of the class;
15 and
- 16 (6) A class action is the superior means for adjudicating the claims in the litigation.

17 This Court further finds that the proposed settlement appears within the range of possible
18 approval, and that a hearing should be held after notice to the settlement class of the proposed
19 settlement to determine if the Settlement Agreement and settlement are fair, reasonable, and
20 adequate and if an Order Granting Final Approval and Final Judgment should be entered in this
21 Action based upon the Settlement Agreement.

22
23 **THEREFORE, IT IS ORDERED THAT:**

- 24 1. The Court finds, solely for purposes of considering this Settlement, that the
25 requirements of Code of Civil Procedure § 382 appear to be satisfied, including
26 requirements for the existence of an ascertainable class, a community of interest,
27 and manageability of a settlement class, that common issues of law and fact
28

1 predominate, and that a settlement class is superior to alternative means of
2 resolving the claims and disputes at issue in this action.

3 2. The Court provisionally certifies the following Settlement Class:

4 All current, former, or prospective workers who were assigned a
5 Technician ID number in the Siebel system, and who installed,
6 serviced, and/or repaired DIRECTV systems in the State of
7 California but were not classified by DIRECTV or any Home
8 Service Provider as W-2 employees during the Covered Period—
9 excluding individuals who (1) performed work through White
10 Communications, LLC, but only during the time they were
11 performing such work; or (2) had claims against DIRECTV
12 pending in the United States District Court for the Central District
13 of California as of August 13, 2020. The “Covered Period” is the
14 time between October 1, 2011, to the date the Court preliminarily
15 approves this Settlement.

16 3. The Settlement Agreement and the settlement contained therein are preliminarily
17 approved as within the range of possible approval.

18 4. The Court approves, as to form and content, the Notice of Proposed Settlement
19 (“the Class Notice”) attached hereto as Exhibit A. The Class Notice meets the
20 requirements of section 382 of the Code of Civil Procedure, Rule 1856 of the
21 California Rules of Court, and due process. The Settlement Administrator, ILYM
22 Group, Inc., shall, as soon as practicable, but no later than 21 days following the
23 signing of this Order, cause the Class Notice to be distributed to the Settlement
24 Class as follows:

25 a. The Settlement Administrator shall have run a check of the Settlement Class
26 Members’ addresses against those on file with the U.S. Postal Service’s
27 National Change of Address List (“NCOA”). No later than 21 days following
28 the signing of this Order, the Settlement Administrator will send by U.S. Mail
and electronic mail the Class Notice to each Settlement Class Member for
whom it has reliable contact information. In the event of returned or non-
deliverable notices, the Settlement Administrator will make reasonable efforts
to locate Settlement Class Members and re-send the notices.

- 1 b. Settlement Website. No later than 21 days following the signing of this Order,
2 the Settlement Administrator will publish a website that disseminates the
3 operative Complaint, Notice, Settlement Agreement, a copy of this preliminary
4 approval order, all papers filed in connection with the motion for preliminary
5 approval, and a form by which potential Settlement Class Members may self-
6 identify themselves as a member of the Settlement Class.
- 7 c. Social Media Notice. No later than 21 days following the signing of this Order,
8 the Settlement Administrator will run ads on Facebook targeting users in
9 California that (i) states “If you worked as an independent contractor in
10 California installing or repairing DIRECTV equipment between October 1,
11 2011, to [the date of preliminary approval], you may be entitled to money from
12 a recent settlement. Click here for more information.” and (ii) provides a link
13 to the Settlement Website. These ads will run for 45 consecutive days.
- 14 d. Publication Notice. No later than 21 days following the signing of this Order,
15 the Settlement Administrator will publish a Summary Notice in one or more
16 trade journals reasonably believed to be commonly reviewed by installation
17 technicians, either online or in print. The Court approves, as to form and
18 content, the Summary Notice that will read as follows: “**ATTENTION**
19 **CONTRACTORS WHO INSTALLED DIRECTV SYSTEMS** If you
20 worked as an independent contractor in California installing or repairing
21 DIRECTV equipment between October 1, 2011, to [insert date of preliminary
22 approval], you may be entitled to money from a recent settlement. For more
23 information please visit dtvtechsettlement.com or call toll free [insert toll free
24 settlement information number].” The publication notice will link to the
25 Settlement Website.
- 26 5. The distribution of the Class Notices as directed in this Order constitutes the best
27 notice practicable under the circumstances and sufficient notice to all members of
28 the Settlement Class.

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6. The costs and expenses of printing and mailing the Class Notice shall be paid by the Settlement Administrator, subject to the provisions of the Settlement Agreement.

7. The Final Approval Hearing (“the Hearing”) shall commence on _____, at _____ at _____, as set forth in the Class Notice. The purpose of the hearing is to determine whether the proposed settlement of this Action is fair, reasonable, and adequate and should be finally approved. The Court will also consider whether applications for plaintiffs' attorneys' fees and expenses and incentive awards to the representative plaintiffs should be granted and if so, in what amounts. To ensure that all interested persons have been heard and all matters considered, the Hearing may continue on an additional date or dates at the court's discretion, upon proper notice. If the hearing is rescheduled, the Settlement Administrator shall mail and email notice to the last known addresses of all class members. All notices to the class regarding the hearing will include the then-most current information regarding the Court’s COVID protocols.

8. Plaintiffs' briefs and supporting papers in support of the proposed settlement, and application for an award of fees and expenses to Class Counsel and incentive awards to the representative plaintiffs, shall be filed with the Court _____ days prior to the Hearing. After the Hearing, the Court may enter an Order Approving Class Settlement and Final Judgment in accordance with the Settlement Agreement that will adjudicate the rights of all class members.

9. Any member of the Settlement Class who has not timely elected to be excluded from the Settlement Class, and who objects to approval of the proposed settlement, including any application for attorneys' fees and expenses and incentive awards to the named plaintiffs, may appear at the Hearing in person or through counsel to explain why the proposed settlement should not be approved as fair, reasonable, and adequate.

1 10. Notice of intent to object, and papers or briefs in support of objection, may be—
2 but are not required to be—submitted in support of said objections by mailing them
3 to the Settlement Administrator, postmarked no later than _____.

4 11. Any Settlement Class member who does not make an objection to the settlement
5 in a manner provided herein shall be deemed to have waived any such objection
6 by appeal, collateral attack, or otherwise.

7 12. All discovery and other pretrial proceedings in this Action are stayed and
8 suspended until further order of this Court, except such actions as may be
9 necessary to implement the Settlement Agreement and this Order.

10 13. In the event that the proposed settlement as provided in the Settlement Agreement
11 is not approved by the Court, or for any reason the parties fail to obtain an Order
12 Approving Class Settlement and Final Judgment as contemplated in the Settlement
13 Agreement, or the Settlement Agreement is terminated pursuant to its terms, then
14 the Settlement Agreement and all orders entered in connection therewith shall
15 become null and void and of no further force and effect, and shall not be used or
16 referred to for any purposes whatsoever. In such event, the Settlement Agreement
17 and all negotiations and proceedings relating thereto shall be withdrawn without
18 prejudice as to the rights of any and all parties thereto.

19 14. Dates for performance:

Date	Event
Within 5 days of Preliminary Approval	DIRECTV to provide Settlement Administrator and Class Counsel the Settlement Group Member Data (SA ¶ 37)
Within 21 days of Preliminary Approval	Notice Period Commences <ul style="list-style-type: none">- Settlement Administrator to mail Class Notice- Settlement Administrator to publish website with required information and forms for self-identification- Settlement Administrator to run Facebook ads- Settlement Administrator to publish summary notice in trade journal(s) (SA ¶ 38)

Date	Event
60 Days after Notice Period Commences	Notice Period Ends (SA ¶ 38) Last Day to Opt Out of the Settlement Class except for those Settlement Group Members who did not receive their Class Notice Packet more than 30 days in advance of this date (SA ¶ 39.b)
10 Days after Notice Period Ends	Settlement Administrator to provide the Parties a complete list of all identified Settlement Class Members, objectors, and opt-outs (SA ¶ 42)
[TBD]	Date of Final Approval Hearing
Within 5 days of Final Approval	Settlement Administrator will provide DIRECTV with wire information and tax forms to fund the settlement (SA ¶ 36)
Within 21 days of Settlement Administrator providing wire instructions	DIRECTV to wire Remaining Settlement Funding Amount to the Settlement Administrator (SA ¶ 36)
Within 14 days of DIRECTV Transferring the Remaining Settlement Funding Amount to the Settlement Administrator	Settlement Administrator to distribute funds to: <ul style="list-style-type: none"> - Settlement Class Members with valid addresses - Service Payments to Named Plaintiffs - California Labor and Workforce Development Agency - Class Counsel - Settlement Administrator (SA ¶ 45)
120 Days after Final Approval	Self-Identification Period Ends (SA ¶ 41)
90 Days after Checks Mailed (~130 Days after Final Approval)	Uncashed checks become void (SA ¶ 29.d.)
35 Days after Self-Identification Period ends (~155 Days after Final Approval)	Settlement Administrator to provide the Parties with an updated list of all Settlement Class Members (SA ¶ 42)
180 Days after Final Approval	Settlement Administrator to distribute remaining funds (SA ¶ 46)

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IT IS SO ORDERED.

Date

THE HONORABLE MAREN NELSON
Judge of the Superior Court