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

EVAN LANDY, an individual, on behalf of  
himself all persons similarly situated  
  
Plaintiff(s),

v.

MIDWAY RENT A CAR INC., dba  
WILSHIRE LIMOUSINE SERVICES, A  
California Corporation; HANKEY FINANCE  
COMPANY INC., A California Corporation;  
HANKEY INVESTMENT COMPANY LP, A  
California Limited Liability Company;  
HANKEY LLC, A California Limited Liability  
Company and DOES 1 through 50, Inclusive,  
  
Defendant(s).

) CASE NO. BC503795  
) CASE NO. BC510734 (Consolidated)  
) CASE NO. BC560969 (Related)  
)  
)

) [Assigned for all purposes to the Hon. Elihu  
M. Berle, Dept. 323 CCW]

**[PROPOSED] ORDER GRANTING  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

**Hearing Information**

Date: September 26, 2017  
Time: 8:30 a.m.  
Location: Department 323  
Judge: Hon. Elihu M. Berle

ZORAR TAHMASIAN, an individual, on  
behalf of himself all persons similarly situated,  
  
Plaintiff (s),

v.

MIDWAY RENT A CAR INC., dba  
WILSHIRE LIMOUSINE SERVICES, A  
California Corporation.  
  
Defendant(s).

ABDELHAK BENOTMANE,  
individually and on behalf of all others  
similarly situated,

Plaintiff(s),

v.

1 MIDWAY RENT A CAR, INC., DBA )  
2 WILSHIRE LIMOUSINE SERVICE and )  
3 DOES 1 through 50, inclusive, )  
4 Defendant(s). )

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1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL:

2 The Motion for Preliminary Approval of Class Action Settlement came before this Court,  
3 the Honorable Elihu M. Berle presiding, on September 26, 2017. The Court having considered the  
4 papers submitted in support of the Motion, HEREBY ORDERS THE FOLLOWING:

5 1. Capitalized terms shall have the definitions set forth in the Second Amended Joint  
6 Stipulation and Class Action Settlement Agreement (the “Settlement”).

7 2. The following Class is conditionally certified for purposes of settlement only:  
8 “any individual, currently or formerly employed in California by Defendant Midway Rent A Car,  
9 Inc. dba Wilshire Limousine Service as a non-exempt limousine chauffer/driver employee from  
10 May 31, 2009 to January 6, 2017.”

11 3. The Settlement Class shall consist of all Class Members who do not timely  
12 exclude themselves from the Settlement Class by filing a timely request for exclusion in  
13 accordance with the requirements set forth in the Class Notice.

14 4. The Court grants preliminary approval of the Settlement based upon the terms set  
15 forth in the Settlement filed herewith, and finds that the Class and the Settlement Class the  
16 requirements for conditional certification for settlement purposes only under California Code of  
17 Civil Procedure section 382.

18 5. The Settlement appears to be fair, adequate and reasonable to the Class and the  
19 Settlement Class. The Settlement falls within the range of reasonableness and appears to be  
20 presumptively valid, subject only to any objections that may be raised in connection with the  
21 Final Approval Hearing.

22 6. Plaintiff Zorair Tahmasian is conditionally approved as the class representatives  
23 for the Class and the Settlement Class.

24 7. The Incentive Award of \$10,000.00 payable to Plaintiff for his services as the class  
25 representative is conditionally approved.

26 8. Plaintiff’s Counsel (Todd Friedman and Adrian Bacon of the Law Offices of Todd  
27 M. Friedman, P.C., and Asaf Agazanof of Asaf Law APC) are conditionally approved Class  
28 Counsel for the Class and the Settlement Class.

1           9.     The Fee and Expense Award of up to \$82,66.67 in attorneys' fees and up to  
2 \$15,000 in actual litigation costs payable to Plaintiffs' Counsel is conditionally approved. The  
3 Expense award of \$4,000.00 for Mediation Fees is also conditionally approved

4           10.    The proposed Second Amended Complaint is deemed filed as of the date of this  
5 Order.

6           11.    A Final Approval Hearing on the question of whether the Settlement, attorneys'  
7 fees and costs to Class Counsel, and Incentive Awards to Plaintiffs should be given Final  
8 Approval as fair, reasonable and adequate as to Settlement Class Members is scheduled in  
9 Department 323 on the date and time set forth in Paragraph 18g below.

10          12.    The Court confirms Kurtzman Carson & Carlson as the Settlement Administrator.

11          13.    The estimated Administration Costs of up to \$15,000.00 to Class Action Claims  
12 Administration, Inc for its services as the Settlement Administrator are conditionally approved.

13          14.    The PAGA Award of \$5,000 is conditionally approved.

14          15.    The Public Justice Foundation is found to meet the requirements of Code of Civil  
15 Procedure section 384 and is conditionally approved as the *cy pres* designee for funds attributable  
16 to uncashed checks for Settlement Awards. Fifty percent (50%) to Public Justice, as a *cy Pres*  
17 recipient, twenty five percent (25%) to the State Treasury for Deposit into the Trial Court  
18 Improvement and Modernization Fund, and twenty five percent (25%) to the State Treasury for  
19 Deposit into the Equal Access Fund of the Judicial Branch.

20          16.    The Court approves, as to form and content, the Class Notice in substantially the  
21 form attached to the Declaration of Adrian Bacon submitted in conjunction with the Motion. The  
22 Court approves the procedures for Class Members to participate in, to request exclusion from, and  
23 to object to the Settlement as set forth in the Class Notice.

24          17.    The Court directs the mailing of the Class Notice by first class mail to all Class  
25 Members in accordance with the Implementation Schedule set forth in Paragraph 18 below. The  
26 Court finds the dates selected for the mailing and distribution of the Class Notice, as set forth in  
27 the Implementation Schedule, meet the requirements of due process and provide the best notice  
28 practicable under the circumstances and shall constitute due and sufficient notice to all persons

1 entitled thereto.

2 18. To facilitate administration of the Settlement pending final approval, the Court  
3 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or  
4 administrative proceedings (including filing claims with the Division of Labor Standards  
5 Enforcement of the California Department of Industrial Relations) regarding their respective  
6 Released Claims unless and until such Class Members have submitted valid requests for  
7 exclusion to the Settlement Administrator and the Objection/Exclusion Deadline has elapsed.

8 19. The Court orders the following **Implementation Schedule** for further  
9 proceedings:

- 10 a. Deadline for Defendants to submit  
11 Class Member Data to Settlement Administrator: October 3, 2017  
12 .....
- 13 b. Deadline for Settlement  
14 Administrator to Mail the Class Notice to Class Members: October 17, 2017  
15 .....
- 16 c. Dispute Deadline: .November 17, 2017.....
- 17 d. Objection/Exclusion Deadline: .November 17, 2017.....
- 18 e. Deadline for Class Counsel to file  
19 Motion for Final Approval of Class Action Settlement: November 3, 2017  
20 .....
- 21 f. Deadline for Class Counsel to file  
22 Motion for Attorneys' Fees, Costs and Incentive Award: November 3, 2017  
23 .....
- 24 g. Deadline for Settlement  
25 Administrator to Submit Declaration Detailing Claims/Opt  
26 Outs/Objections: December 7, 2017  
\_\_\_\_\_
- 27 h. Deadline to Submit Any Responses  
28 to Objections and/or Reply Brief: December 7, 2017  
\_\_\_\_\_
- g. Final Approval Hearing: December 21, 2017  
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**IT IS SO ORDERED.**

Dated: September \_\_\_\_, 2017

BY \_\_\_\_\_  
HON. ELIHU M. BERLE  
Los Angeles Superior Court Judge