

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 252023 NAME: Jimmie Davis Parker, Esq. FIRM NAME: Robinson Markevitch LLP STREET ADDRESS: 7812 Wing Flight Court CITY: San Diego STATE: CA ZIP CODE: 92119 TELEPHONE NO.: 619-887-3300 FAX NO.: E-MAIL ADDRESS: JDP@robinsonmarkevitch.com ATTORNEY FOR (name): Plaintiffs Yu, et al.	FOR COURT USE ONLY FILED Clerk of the Superior Court OCT 11 2024 By: B. Delgado, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 101 W Broadway MAILING ADDRESS: Same CITY AND ZIP CODE: San Diego 92101 BRANCH NAME: Central	
PLAINTIFF/PETITIONER: Yu, et al DEFENDANT/RESPONDENT: Gleiberman Properties Inc., et al OTHER:	CASE NUMBER: 37-2021-00008414
PROPOSED ORDER (COVER SHEET)	JUDICIAL OFFICER: Hon. Carolyn Caietti DEPT: C-70

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Plaintiffs Yu, et al.

2. Title of the proposed order:
[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Motion for Preliminary Approval of Class Action
 - b. Date and time: Oct 11, 2024 10:30 AM
 - c. Place: C-70

4. The proposed order was served on the other parties in the case.

Jimmie Parker

(TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME: Yu, et al. v. Gleiberman Properties, Inc.	CASE NUMBER: 37-2021-0008418-CU-NP-CTL
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**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action**.
 - a. My residence or business address is (*specify*):
7812 Wing Flight Court
 - b. My electronic service address is (*specify*): JDParker@gmail.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:
 - a. *(name of person served)* (If the person served is an attorney, the party or parties represented should also be stated.):
Shannon Sweeney; Mike Zarconi Counsel for Defendants

mzarconi@fennemorelaw.com; Ssweeney@fennemorelaw.com
 - b. To (*electronic service address of person served*): above
 - c. On (*date*): 10-10-2024

- Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

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

10/10/2024

Jimmie Davis Parker, Esq.

(TYPE OR PRINT NAME OF DECLARANT)



(Handwritten signature)

(SIGNATURE OF DECLARANT)

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FILED
Clerk of the Superior Court

OCT 11 2024

By: B. Delgado, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, CENTRAL

CHRISTIAN YU; BIANCA HAZEL; RACHEL WHILLIER; and ROES 1 through 100 inclusive; individually, and on behalf of all others similarly situated.

Plaintiffs,

vs.

GLEIBERMAN PROPERTIES, INC., a California Corporation, dba MG Properties Group; and DOES 1 through 100, inclusive,

Defendants.

CASE NO. 37-2021- 00008418-CU-OR-CTL

[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Date: October 11, 2024
Time: 10:30 a.m.
Dept.: C-70
Judge: Hon. Carolyn Caietti

Complaint Filed: February 26, 2021

1 The Motion of Plaintiffs Christian Yu, Bianca Hazel, and Rachel Whillier (collectively,
2 the "Plaintiffs") for Preliminary Approval of Class Action Settlement came for hearing before
3 this Court on October 11, 2024, at 10:30 a.m. The Court, having considered the proposed Class
4 Action Settlement and Release Agreement ("Settlement Agreement" or "Settlement"), attached
5 as Exhibit 1 to the Declaration of Jeffrey L. Hogue filed concurrently with the moving papers;
6 having considered Plaintiffs' Motion for Preliminary Approval of Class Action Settlement,
7 memorandum of points and authorities in support thereof, and supporting declarations filed
8 therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

9
10 1. The Court GRANTS preliminary approval of the class action settlement as set
11 forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of
12 a settlement that ultimately could be granted approval by the Court at a Final Approval hearing.
13 The Court preliminarily approves the terms of the Settlement Agreement and finds that they are
14 fair, adequate and reasonable. Based on a review of the papers submitted by Plaintiffs, the Court
15 finds that the Settlement is the result of arms-length negotiations conducted after Plaintiffs and/or
16 their counsel adequately investigated the claims and became familiar with the strengths and
17 weaknesses of the claims. The Settlement is presumptively valid, subject only to any objections
18 that may be raised pursuant to the terms of the Settlement Agreement. For purposes of the
19 Settlement, the Court finds that the proposed Class is ascertainable and that there is a sufficiently
20 well-defined community of interest among the Class Members in questions of law and fact.
21 Therefore, for settlement purposes only, the Court grants conditional certification of the following
22 two Classes:

23
24 **"Late Fee Class"** means all current and former Tenants (i.e., individuals
25 over the age of 18 classified as a Primary Tenant) of Defendant's California
26 Properties who were charged a late fee between August 9, 2017 to the date
of preliminary approval that was not waived or excused.

27 **"Security Deposit Class"** means all former tenants of Defendant's
28 California properties whose leaseholds terminated between February 26,

1 2017 to the date of preliminary approval and had greater than \$125 of
2 Qualifying Charges.

3 2. For settlement purposes only, the Class is so numerous that joinder of all Class
4 Members is impracticable, Plaintiffs' claims are typical of the Class's claims, there are questions
5 of law and fact common to the Class Members, which predominate over any questions affecting
6 only an individual Class Member, and class certification is superior to other available methods
7 for the fair and efficient adjudication of the controversy.

8 3. For settlement purposes only, Plaintiffs Christian Yu, Bianca Hazel, and Rachel
9 Whillier are conditionally certified as the class representatives to implement the Parties'
10 settlement in accordance the Settlement Agreement. The Law Office of Jimmie Davis Parker and
11 Hogue & Belong is conditionally appointed as Class Counsel.

12 4. The Court designates CPT Group, as the third-party Settlement Administrator for
13 mailing notices.

14 5. The Court approves, as to form and content, the Class Notice attached as Exhibit
15 1 to the Settlement Agreement.

16 6. The Court approves, as to form and content, the Claim Form attached as Exhibit 2
17 to the Settlement Agreement.

18 7. The Court finds that the form of notice to the Class Members regarding the
19 pendency of the action and of the Settlement Agreement, and the methods of giving notice to
20 Class Members, constitute the best notice practicable under the circumstances, and constitute
21 valid, due, and sufficient notice to all Class Members. The form and method of giving notice
22 complies fully with the requirements of California Code of Civil Procedure section 382, California
23 Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and United
24 States Constitutions, and other applicable law.

25 8. The Court further approves the procedures for Class Members to opt out of or
26 object to the Settlement, as set forth in the Class Notice and the Settlement Agreement.

27 9. The procedures and requirements for submitting objections in connection with the
28 Final Approval hearing are intended to ensure the efficient administration of justice and the

1 orderly presentation of any Class Member's objection to the Settlement, in accordance with the
2 due process rights of all Class Members.

3 10. The Court directs the Settlement Administrator to mail the Class Notice and Claim
4 Form to the Class Members in accordance with the terms of the Settlement Agreement.

5 11. The Class Notice shall provide 45 days' notice (calculated from the date of
6 mailing) for Class Members to submit Claim Forms, disputes, opt out of, or object to the
7 Settlement Agreement.

8 12. The Final Approval hearing on the question of whether the Settlement Agreement
9 should be finally approved as fair, reasonable and adequate is scheduled on February 7 at 10:30
10 a.m. in Department C-70 of this Court, located at 330 W. Broadway, San Diego, California 92101.
11 The Court reserves the right to continue the date of the Final Approval hearing without further
12 notice to the Class Members. The Court retains jurisdiction to consider all further applications
13 arising out of or in connection with the Settlement Agreement.

14 13. At the Final Approval hearing, the Court will consider: (a) whether the Settlement
15 Agreement should be approved as fair, reasonable, and adequate for the Settlement Class; (b)
16 whether a judgment granting final approval of the Settlement Agreement should be entered; and
17 (c) whether Plaintiffs' request for service payments, settlement administration costs, and Class
18 Counsel's attorneys' fees and costs should be granted.

19 14. Counsel for the parties shall file any memoranda, declarations, or other statements
20 and materials in support of their request for final approval of the Settlement and Plaintiffs' request
21 for service payments, settlement administration costs, and Class Counsel's attorneys' fees and
22 costs prior to the Final Approval hearing according to the time limits set by the Code of Civil
23 Procedure and the California Rules of Court.

24 15. An implementation schedule is below (assuming that the Court grants preliminary
25 approval of the Settlement on October 11, 2024):

Event	Timing	Proposed Date
Last day for Defendant to provide Claims Administrator the	30 Days (§ 65)	November 11, 2024

1	Class List		
2			
3	Notice – Last day for Settlement Administrator to mail the Class Notice and Claim Form	15 Days (§ 66)	November 26, 2024
4			
5			
6	Last day for Settlement Class to Submit Claim Form, Request Exclusion or Object	45 days (§§ 23, 68)	January 10, 2025
7			
8			
9	Last day to file Motion for Attorney’s Fees and costs	10 Days before Opt-Out/Objection Period (§ 52)	December 30, 2024
10			
11	Final Approval hearing		February 7, 2025
12			
13	Final Compliance hearing		TBD

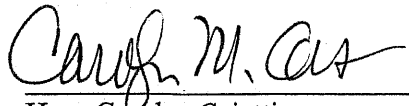
14 16. Pending the Final Approval hearing, all proceedings in this action, other than
15 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
16 Order, are stayed.

17 17. Counsel for the parties are hereby authorized to utilize all reasonable procedures
18 in connection with the administration of the Settlement which are not materially inconsistent with
19 either this Order or the terms of the Settlement.

20 18. In the event the Settlement is not finally approved, or otherwise does not become
21 effective in accordance with the terms of the Settlement, this Order shall be rendered null and
22 void and shall be vacated, and the parties shall revert to their respective positions as of before
23 entering into the Settlement.

24 **IT IS SO ORDERED.**

25
26 Dated: 10/11/24

27 
28 Hon. Carolyn Caietti
Judge of the Superior Court