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Electronically Received 02/15/2024 12:07 PM

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10 *Attorneys for Plaintiff GILBERTO GONZALEZ,*  
11 *individually, and on behalf of all persons similarly situated*

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES –NORTHEAST DISTRICT**

GILBERTO GONZALEZ, individually,  
and on behalf of all persons similarly  
situated;

Plaintiff,

vs.

COSTCO WHOLESALE CORPORATION,  
a Washington Corporation, and DOES 1  
through 50, inclusive,

Defendants.

**Case No. 22AHCV00255**

*[Assigned for all purposes to Honorable  
Margaret L. Oldendorf, Dept. P]*

**CLASS ACTION**

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

*[Filed concurrently with Notice of Motion for  
Preliminary Approval; Memorandum of Points  
and Authorities In Support of Motion;  
Declaration of Haig B. Kazandjian;  
Defendant's Declaration Re Settlement;  
Declaration of Administrator; and Declaration  
of Gilberto Gonzalez]*

Date: April 23, 2024

Time: 8:30 a.m.

Dept.: P

**RESERVATION ID: 299844400197**

Action Filed: May 3, 2022

Trial Date: None Yet Set

The Court, having read the papers filed regarding Plaintiff's unopposed Motion for Preliminary Approval of Class Action Settlement, and having heard argument regarding the

1 Motion on April 23, 2024, hereby finds and ORDERS as follows:

2 1. The Class Action and PAGA Settlement Agreement And Class Notice  
3 (“Settlement Agreement”) attached to the Declaration of Haig B. Kazandjian as Exhibit 1, is  
4 within the range of possible recovery and, subject to further consideration at the Final Approval  
5 Hearing described below, is preliminarily approved as fair, reasonable, and in the best interest of  
6 the absent class members;

7 2 For purposes of settlement only, the Court provisionally and conditionally  
8 certifies the following class: “Class” which is defined as the following individuals, who are all  
9 Class Members by virtue of belonging to any of the three groups of Class Members. *Group 1*  
10 *Class Members* are all individuals employed by Costco in California as non-exempt employees  
11 who received a meal premium payment during the period April 12, 2021 through October 10,  
12 2021 (the “Hero Pay” period) at any of 22 Costco warehouses that were subject to local  
13 ordinances (commonly known as “Hero Pay” ordinances) that mandated additional pay to certain  
14 workers during the Covid-19 pandemic. The 22 locations are Van Nuys (#48), San Leandro  
15 (#118), Los Feliz (#130), San Francisco (#144), San Jose (#148), S. San Francisco (#422),  
16 Alhambra (#428), Northridge (# 437), Irvine (#454), Almaden (#470), El Camino (#475), Culver  
17 City (#479), Richmond (#482), Burbank BCTR (#653), S San Francisco BCTR (#654), Burbank  
18 (#677), San Jose BCTR (#848), NE San Jose (#1004), Redwood City (#1042), Pacoima (#1071),  
19 Woodland Hills (#1205), and Great Oaks (#1267). *Group 2 Class Members* are all individuals  
20 employed by Costco in California as non-exempt employees during the Settlement Period who  
21 received an Extra Check and who also received a meal or rest premium during the measuring  
22 period for that Extra Check. *Group 3 Class Members* are all individuals employed by Costco in  
23 California as non-exempt employees during the period July 7, 2022 through the end of the  
24 Settlement Period who received an Extra Check and who also received pay for sick leave during  
25 the measuring period for that Extra Check. Some Class Members will belong to more than one  
26 Group.

27 3. The Court finds the Settlement Class, consisting of approximately 27,000  
28 members, is so numerous that joinder of all members is impracticable, and that the Settlement

1 Class is ascertainable by reference to the business records of Defendant.

2 4. The Court finds further there are questions of law and fact common to the entire  
3 Settlement Class, which common questions predominate over any individualized questions of  
4 law or fact. These common questions include, without limitation: (1) whether Defendants paid  
5 Settlement Class Members at the correct rate when paying meal and rest break premiums during  
6 the same pay periods when other compensation in the form of Hero Pay and/or Extra Checks  
7 were paid to class members, (2) whether Defendants paid Settlement Class Members at the  
8 correct rate when paying sick pay during the same pay periods when other compensation in the  
9 form Extra Checks was paid to class members, (3) whether Defendants timely paid Settlement  
10 Class Members during employment, and at separation, and (4) whether Defendants provided  
11 Settlement Class Members with proper itemized wage statements.

12 5. The Court finds further the claims of named Plaintiff Gilberto Gonzalez are  
13 typical of the claims of the Settlement Class, and that he will fairly and adequately protect the  
14 interests of the Settlement Class. Accordingly, the Court appoints Gilberto Gonzalez as the  
15 Class Representative, and appoints his counsel of record Haig B. Kazandjian, APC, as Class  
16 Counsel.

17 6. The Court finds further that certification of the Settlement Class is superior to  
18 other available means for the fair and efficient adjudication of the controversy.

19 7. The Court finds further that, in the present case, the proposed method of  
20 providing notice of the Settlement to the Settlement Class via First Class U.S. Mail to each  
21 Settlement Class Member's last known address, is reasonably calculated to notify the Settlement  
22 Class Members of the proposed Settlement and provides the best notice possible under the  
23 circumstances. The Court also finds the Notice of Class Action Settlement form is sufficient to  
24 inform the Settlement Class Members of the terms of the Settlement and their rights thereunder,  
25 including the right to object to the Settlement or any part thereof and the procedure for doing so,  
26 their right to exclude themselves from the Settlement and the procedure for doing so, their right  
27 to obtain a portion of the Settlement proceeds, and the date, time and location of the Final  
28 Approval Hearing. The proposed Notice of Class Action Settlement (Exhibit A to the Settlement

1 Agreement) and the procedure for providing Notice set forth in the Settlement Agreement, are  
2 approved by the Court.

3 8. Under the terms of the Settlement Agreement, the Court approves the Parties'  
4 selection of Atticus as the Settlement Administrator. The Settlement Administrator is ordered to  
5 mail the Class Notice to the Settlement Class Members via First-Class U.S. Mail as specified in  
6 the Settlement Agreement, and to otherwise carry out all other duties set forth in the Settlement  
7 Agreement. The Parties are ordered to carry out and comply with all terms of this Order and the  
8 Settlement Agreement, and particularly with respect to providing the Settlement Administrator  
9 all information necessary to perform its duties under the Settlement Agreement.

10 9. Any member of the Settlement Class who wishes to be excluded, or object to the  
11 Settlement or any term thereof, including any proposed award of attorney's fees and costs to  
12 Class Counsel or any proposed representative enhancement to the Class Representative, shall  
13 have sixty (60) days from the mailing of the Class Notice to request exclusion and/or to object,  
14 as set forth in the Settlement Agreement and Class Notice.

15 10. A Final Approval Hearing is hereby set for October 21, 2024 at 8:30 a.m.; OR,  
16 for \_\_\_\_\_, 2024, at \_\_\_\_\_ a.m/ p.m. in Department P of the Los Angeles County Superior  
17 Court, Pasadena Courthouse, to consider any objections to the Settlement, determine if the  
18 proposed Settlement should be found fair, adequate and reasonable and given full and final  
19 approval by the Court, and to determine the amount of attorney's fees and costs awarded to Class  
20 Counsel, the amount of any representative enhancement award to the Class Representative, and  
21 to approve the fees and costs payable to the Settlement Administrator. All legal memoranda,  
22 affidavits, declarations, or other evidence in support of the request for final approval, the award  
23 of attorney's fees and costs to Class Counsel, the enhancement award to the Class  
24 Representative, and the fees and costs of the Settlement Administrator, shall be filed no later  
25 than sixteen (16) court days prior to the Final Approval Hearing. The Court reserves the right to  
26 continue the Final Approval Hearing without further notice to the Settlement Class Members.

27 11. Provided he or she has not submitted a timely and valid Request for Exclusion,  
28 any Settlement Class Member may appear, personally or through his or her own counsel, and be

1 heard at the Final Approval Hearing regardless of whether he or she has submitted a written  
2 objection.

3 12. The Court orders the following **Schedule** for further proceedings:

4		
5	a.	Deadline for Defendant to submit Class List and Data Report to Settlement Administrator
6		_____, 2024
7		[within 15 court days of preliminary approval order]
8		
9	b.	Deadline for Settlement Administrator to Mail the Notice Packets to Class Members
10		_____, 2024
11		[within 14 days of receipt of the Class List and Data Report from Defendants]
12	c.	Deadline for Settlement Class Members to postmark Requests for Exclusions, Objections, or to Challenge Calculation of Workdays
13		_____, 2024
14		[60 calendar days after mailing of the Notice Packet to Class Members]
15	d.	Deadline for Class Counsel to File Motion for Final Approval of Settlement Including the requested attorneys' fees and costs including any expenses and declarations in support thereof; and deadline to file declaration by Atticus Re Service of Class Notice, receipt and filing of objections
16		_____, 2024
17		[150 days from preliminary approval date]
18		
19		
20	e.	Final Approval Hearing
21		October 21, 2024 at 8:30 a.m.;
22		OR _____, 2024
23		at <u>1:45</u> a.m. /p.m.
24		[180 days after Order Granting Preliminary Approval]

25 Dated: 07/05/2024

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27 \_\_\_\_\_  
28 Judge of the Superior Court

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