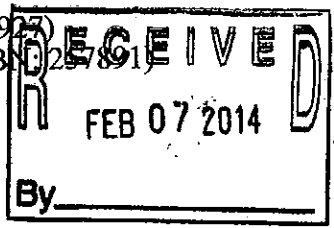


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8 PARTNERS LP, DBA THE OWL TREE, 2020 FILLMORE  
LP DBA HARRY'S BAR, GEORGE KARAS,  
RICHARD HOWARD

ENDORSED  
FILED  
San Francisco County Superior Court  
FEB 07 2014  
CLERK OF THE COURT  
BY: LESLEY FISCELLA  
Deputy Clerk

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15 NICOLE MARTINA, TAYLOR WAGNER

16 IN THE SUPERIOR COURT OF CALIFORNIA  
17 COUNTY OF SAN FRANCISCO

18 Chelsea Garcia, Krystal Khorge, Nicole  
19 Martina, and Taylor Wagner, individually, and on  
behalf of all others similarly situated, and on  
behalf of the general public,

20 Plaintiffs,

21 v.

22 Landmark Hospitality Inc.; Bruno's  
23 Management LP, dba Bruno's; Owl Tree  
24 Partners LP, dba The Owl Tree; 2020 Fillmore  
LP (in its own right and as successor in interest  
25 to 2020 Fillmore LLC), dba Harry's Bar,  
George Karas, and Richard Howard and DOES  
1 through 50 inclusive,

26 Defendants.

) CASE NO. CGC-13-532871  
) **[proposed] ORDER GRANTING JOINT**  
) **MOTION FOR PRELIMINARY**  
) **APPROVAL OF CLASS ACTION**  
) **SETTLEMENT, CERTIFICATION OF**  
) **SETTLEMENT CLASS, AND**  
) **APPROVING CLASS**  
) **REPRESENTATIVES, CLASS**  
) **COUNSEL, AND CLASS NOTICE**

) Judge: Hon. Ernest H. Goldsmith  
) Date/ Time: February 7, 2014 9:30am  
) Reservation No.: 011614-05.  
) Dept.: Law and Motion, Dept. 302  
) Complaint Filed: July 16, 2013  
) Trial Date: Not Set

1 On February 7, 2013, the undersigned heard a joint motion by Chelsea Garcia, Krystal  
2 Khorge, Nicole Martina, and Taylor Wagner (collectively, the "Class Representatives"), and the  
3 Defendants, for an order preliminarily approving a proposed settlement of the above-entitled  
4 putative class action ("Proposed Settlement"). The undersigned having considered the  
5 Stipulation, Class Action Settlement Agreement, and Release of Claims ("Stipulation"), the  
6 proposed Notice of Class Action Settlement ("Class Notice") and attached exhibits, and the  
7 submissions of counsel,<sup>1</sup>

8 **IT IS HEREBY ORDERED THAT:**

9 1. The Joint Motion for Preliminary Approval of Class Action Settlement is  
10 GRANTED pursuant to California Rule of Court 3.769.

11 2. The Court finds on a preliminary basis that the settlement memorialized in the  
12 Stipulation falls within the range of reasonableness and, therefore, meets the requirements for  
13 preliminary approval.

14 3. The Court conditionally certifies, for settlement purposes only (and for no other  
15 purpose and with no other effect upon this or any other action, including no effect upon this  
16 action should the settlement not ultimately be approved), a class of "all servers, bartenders, and  
17 bar backs, who were employed at Harry's Bar, Owl Tree, or Bruno's from July 16, 2009 through  
18 Feb 7, 2014 (the date of this Order)" (the "Settlement Class").

19 4. The Court appoints, for settlement purposes only, Chelsea Garcia, Krystal  
20 Khorge, Nicole Martina, and Taylor Wagner as Class Representatives.

21 5. The Court appoints, for settlement purposes only, Bryan Schwartz Law as Class  
22 Counsel.

23 6. The Court appoints, for settlement purposes only, Rust Consulting, Inc. as Claims  
24 Administrator.

25 7. The Court finds that the manner and content of the Class Notice specified in the  
26 Stipulation on file herein shall provide the best practicable notice to the Class. The Class Notice,  
27

28 <sup>1</sup> All capitalized terms in this Order shall have the same definitions as those set forth in the Stipulation.  
[proposed] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT  
CASE NO. CGC-13-532871

1 attached to the Stipulation as Exhibit A, and the Claim Form, attached to the Stipulation as  
2 Exhibit B, are approved. The Claims Administrator is ordered to mail those documents to the  
3 Class Members as provided in the Stipulation.

4 8. The Court will conduct a Final Approval Hearing on May 9, 2014  
5 at 930 a.m. to determine the overall fairness of the settlement and to fix the amount of  
6 attorneys' fees and costs to Class Counsel and enhancements to the Class Representatives. The  
7 Final Approval Hearing may be continued without further notice to Class Members. The Class  
8 Representatives and Class Counsel shall file their motion for approval of the settlement, and  
9 Class Counsel shall file their motion for attorneys' fees, costs, and Class Representative  
10 enhancements, on or before April 11, 2014.

11 9. Any written objection to the settlement must be filed with the Court no later than  
12 the date thirty (30) days after the Class Notice is mailed to the Class Members by the Claims  
13 Administrator. The objection must set forth, in clear and concise terms, the legal and factual  
14 arguments supporting the objection. Unless otherwise requested by the Court, Class Members  
15 shall not be entitled to speak at the fairness hearing unless they have submitted a timely written  
16 objection.

17 10. Any Class Member who desires exclusion from the Class must timely mail the  
18 request for exclusion, in the manner described in the approved notice, no later than the date thirty  
19 (30) days after the Class Notice is mailed. All persons who properly execute and timely mail the  
20 request for exclusion shall not be bound by the Proposed Settlement and shall have no right with  
21 respect to the Proposed Settlement.

22 11. If the Stipulation is approved at the fairness hearing, the Court shall enter a Final  
23 Order Approving the Stipulation and Judgment ("Final Order"). The Final Order shall be fully  
24 binding with respect to all Class Members who did not request exclusion in accordance with the  
25 terms of the Stipulation.

26 12. In sum, the dates for performance are as follows:  
27  
28

1 (a) The Claims Administrator shall mail Class Notice to the Class Members  
2 as soon as practicable upon Preliminary Approval of the settlement, but no later than 20 days  
3 after entry of this Order.

4 (b) Objections to the settlement and requests for exclusion must be submitted  
5 and postmarked no later than the date thirty (30) days after the Class Notice is mailed.

6 (c) All Class Members who desire to participate in the settlement must submit  
7 a Claim Form postmarked no later than forty-five (45) days after the Class Notice is mailed.

8 (d) The final fairness hearing is to be held on May 9, 2014, at 9:30  
9 a.m.

10 13. In the event that the Final Order is not entered for any reason, then the  
11 Stipulation, as well as the findings contained herein, shall be deemed null and void *ab initio*.

12 ERNEST H. GOLDSMITH

13 DATED: \_\_\_\_\_, 2014

14 \_\_\_\_\_  
15 JUDGE OF THE SUPERIOR COURT

16 FEB 07 2014