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Attorneys for Plaintiff Liliya Gotishan

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN FRANCISCO

LILIYA GOTISHAN, as an individual and on behalf of all others similarly situated,

Plaintiff,

v.

KYO AUTISM THERAPY, LLC, a California limited liability company; and DOES 1-50, inclusive,

Defendants.

Case No.: CGC-21-596378

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

Date: April 12, 2023
Time: 9:30 a.m.
Dept.: 302

The Court, having read the papers filed regarding Plaintiff's unopposed Motion for Preliminary Approval of Class and Representative Action Settlement, and having heard argument regarding the Motion, hereby finds and ORDERS as follows:

1. The Joint Stipulation of Settlement and Release of Claims ("Settlement Agreement") attached as Exhibit 1 to the Declaration of Zachary M. Crosner in support of Plaintiff's unopposed Motion for Preliminary Approval of Class Action Settlement, filed on or about March 10, 2023, is within the range of possible recovery and, subject to further consideration at the Final Approval Hearing described below, is preliminarily approved as fair, reasonable, and adequate;

2 For purposes of settlement only, the Court provisionally and conditionally certifies the following class: "All current and former hourly non-exempt employees employed by Defendant Kyo Autism Therapy, LLC ("Kyo") in the State of California from November 10, 2017 through January 1, 2023."

3. The Court finds the Settlement Class, consisting of approximately 2,383 members, is so numerous that joinder of all members is impracticable, and that the Settlement Class is ascertainable by reference to the business records of defendant Kyo.

4. The Court finds further there are questions of law and fact common to the entire Settlement Class, which common questions predominate over any individualized questions of law or fact. These common questions include, without limitation: (1) whether Kyo paid Settlement Class Members for all hours worked, (3) whether Kyo provided Settlement Class Members with all required meal and rest periods, or compensation in lieu thereof, (3) whether Kyo properly reimbursed Settlement Class Members for business expenses, and (4) whether Kyo provided Settlement Class Members with proper itemized wage statements.

5. The Court finds further the claims of named Plaintiff Liliya Gotishan are typical of the claims of the Settlement Class, and that she will fairly and adequately protect the interests of the Settlement Class. Accordingly, the Court appoints Liliya Gotishan as the Class Representative, and appoints her counsel of record Crosner Legal, P.C. as Class Counsel.

6. The Court finds further that certification of the Settlement Class is superior to other

available means for the fair and efficient adjudication of the controversy.

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

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

9. Any member of the Settlement Class who wishes to comment on or object to the Settlement or any term thereof, including any proposed award of attorney's fees and costs to Class Counsel or any proposed representative service award to the Class Representatives, shall have sixty (60) days from the mailing of the Class Notice to submit his or her comments and/or objection to the Settlement Administrator, as set forth in the Settlement Agreement and Class Notice.

10. A Final Approval Hearing is hereby set for September ~~15~~ 14, 2023, at 9:30 a.m. in Department 302 of the San Francisco County Superior Court, toconsider any objections to the

Settlement, determine if the proposed Settlement should be found fair, adequate and reasonable and given full and final approval by the Court, and to determine the amount of attorney's fees and costs awarded to Class Counsel, the amount of any representative service award to the Class Representative, the PAGA Payment to the LWDA and PAGA Members, and to approve the fees and costs payable to the Settlement Administrator. All legal memoranda, affidavits, declarations, or other evidence in support of the request for final approval, the award of attorney's fees and costs to Class Counsel, the service award to the Class Representative, PAGA Payment to the LWDA and PAGA Members, and the fees and costs of the Settlement Administrator, shall be filed no later than sixteen (16) court days prior to the Final Approval Hearing. The Court reserves the right to continue the Final Approval Hearing without further notice to the Settlement Class Members.

11. Provided he or she has not submitted a timely and valid Request for Exclusion, any Settlement Class Member may appear, personally or through his or her own counsel, and be heard at the Final Approval Hearing regardless of whether he or she has submitted a written objection.

Dated: 9/12/23

Judge of the Superior Court

RICHARD B. ULMER

PROOF OF SERVICE

LILIYA GOTISHAN V KYO AUTISM THERAPY, LLC

San Francisco Superior Court Case No. CGC-21-596378

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 9440 Santa Monica Blvd., Ste. 301, Beverly Hills, CA 90210.

On April 26, 2023, I served true copies of the following document(s) described as

NOTICE OF ENTRY OF ORDER OF MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

XX BY ELECTRONIC TRANSMISSION. I transmitted copies of the above-referenced document(s) from the email address maria@crosnerlegal.com to the interested parties in this action by electronic transmission. Said electronic transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on April 26, 2023, at Los Angeles, California.

Ashley Gutierrez

Ashley Gutierrez

SERVICE LIST
LILIYA GOTISHAN V KYO AUTISM THERAPY, LLC,
San Francisco Superior Court Case No. CGC-21-596378

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