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6 *Attorneys for Plaintiff Jeffrey H. Allen,  
7 on behalf of himself and all others similarly  
8 situated*

8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF SAN FRANCISCO

11 JEFFREY H. ALLEN, on behalf of himself and  
12 all others similarly situated,

12 Plaintiff,

13 vs.

14 UTILIQUEST, LLC, and DOES 1 through 100,  
15 INCLUSIVE,

16 Defendant(s).

ENDORSED  
FILED  
San Francisco County Superior Court

NOV 12 2014

CLERK OF THE COURT  
BY: GINA GONZALES  
Deputy Clerk

No. CGC-12-525644

Unlimited Civil Case

The Amount Demanded Exceeds \$25,000

~~(PROPOSED)~~ ORDER:

- a) GRANTING PRELIMINARY APPROVAL OF CLASS SETTLEMENT AND PROVISIONALLY CERTIFYING THE SETTLEMENT CLASS;
- b) APPROVING THE FORM AND MANNER OF NOTICE TO PROVIDE TO THE PROPOSED SETTLEMENT CLASS AND DIRECTING THAT A NEUTRAL THIRD PARTY GIVE SUCH NOTICE TO THE PROPOSED SETTLEMENT CLASS;
- c) APPROVING HEFFLER CLAIMS GROUP, LLC A NEUTRAL THIRD PARTY, AS CLAIMS ADMINISTRATOR;
- d) SETTING A HEARING FOR FINAL APPROVAL OF THE PROPOSED SETTLEMENT AND AWARD OF ATTORNEYS' FEES AND COSTS TO CLASS COUNSEL AND ENHANCEMENT TO CLASS REPRESENTATIVE;
- e) APPOINTING WORKMAN LAW

**FIRM, PC AS CLASS COUNSEL;  
AND,**

**f) APPOINTING NAMED PLAINTIFF  
JEFFREY H. ALLEN AS CLASS  
REPRESENTATIVE**

**Date: November 12, 2014  
Time: 9:30 a.m.  
Dept: 302**

**Reservation No.: 081814-16**

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9 On November 12, 2014, a hearing was held on the application of Plaintiff and Class  
10 Representative Jeffrey H. Allen ("Plaintiff") for preliminary approval of the Parties' proposed  
11 settlement agreement (the "Settlement") and provisionally certifying the Class for purposes of  
12 settlement; approval of the Notice Packet to be sent to the Class regarding the Settlement;  
13 appointment of the Claims Administrator; provisional appointment of Class Counsel; provisional  
14 appointment of the Class Representative; and, the setting of a date for the hearing on the Parties'  
15 motion for Final Approval of the Settlement and Plaintiff's motion for the Incentive Award, Class  
16 Counsel's Fee and Expense Award. Robin G. Workman, Esq. of Workman Law Firm, PC  
17 appeared on behalf of Plaintiff and Eric S. Beane of DLA Piper, LLP (US) appeared on behalf of  
18 Defendant.

19 All capitalized terms used herein have the same meaning as defined in the Settlement. The  
20 Court having read and considered the papers on the motion, the arguments of counsel, and the law,  
21 and good cause appearing therefore,

22 IT IS ORDERED:

23 1. The Settlement, Exhibit Q to the Declaration of Robin G. Workman filed on August  
24 15, 2014 ("Workman Decl."), in support of the application requesting the following: (a) granting  
25 preliminary approval of the Settlement and provisionally certifying the Class for settlement  
26 purposes only; (b) approving the form and manner of notice to provide to the proposed Class and  
27 directing that a neutral third party give such notice to the proposed Class; (c) approving Heffler  
28 Claims Group, a neutral third party, as Claims Administrator; (d) setting a hearing for Final

1 Approval of the Settlement and award of attorneys' fees and costs to Class Counsel and  
2 enhancement payment to Class Representative; (e) appointing Workman Law Firm, PC as Class  
3 Counsel; and, (f) appointing named plaintiff Jeffrey H. Allen as Class Representative is  
4 GRANTED preliminary approval because the Settlement meets the criteria for preliminary  
5 approval. The Settlement falls within the range of reasonableness and appears to be presumptively  
6 valid as the product of arm's length and informed negotiations to treat all Class Members fairly.

7 2. The Court GRANTS the Parties' request to provisionally certify the proposed Class  
8 as defined by the Settlement. The Court provisionally finds for settlement purposes only, the  
9 proposed Class is sufficiently numerous such that class administration of the claims is warranted.  
10 The Court further provisionally finds that for settlement purposes only, the claims presented in the  
11 First Amended Class Action Complaint filed give rise to predominant common questions of law  
12 and fact among members of the Class, that Plaintiff's claims are typical of those of the Class, and  
13 that efficient administration of the claims of individual Class Members recommends certification  
14 of the Class for Settlement. The Court further provisionally finds Workman Law Firm, PC to be  
15 sufficiently experienced and proficient in class action proceedings and that they may act as Class  
16 Counsel. The Court further provisionally finds that for settlement purposes, Plaintiff Jeffrey H.  
17 Allen may act as the Class Representative.

18 3. The proposed notice plan is constitutionally sound because individual notices will  
19 be mailed to all Class Members, and such notice is the best notice practicable. The proposed form  
20 of Notice and Claim Form (attached hereto as Exhibits A & B) (the "Notice Packet"), are  
21 sufficient to inform Class Members of the terms of the Settlement, their rights under the  
22 Settlement, their rights to object to the Settlement, their right to receive an Individual Settlement  
23 Payment and, their right to elect not to participate in the Settlement, the processes for doing so,  
24 and the date and location of the Final Approval Hearing; and therefore the Court approves them  
25 all.

26 4. The Court appoints Heffler Claims Group, LLC ("Heffler") to act as the Claims  
27 Administrator, pursuant to the terms set forth in the Settlement.

28 5. Class Members may make corrections of the personal information appearing on the

1 Claim Form and submit supporting documentation prior to returning the form.

2 6. Any Class Member who wishes to object to the Settlement has thirty (30) days after  
3 the mailing of the Notice Packet to submit his or her objection pursuant to the Settlement and  
4 procedures set forth in the Notice Packet.

5 7. Any Class Member who wishes not to participate in the Settlement has thirty (30)  
6 days after the date the Claims Administrator mails the Notice Packet to submit a written letter  
7 requesting exclusion from the Settlement.

8 8. Heffler will disseminate the Notice Packet according to the notice plan described in  
9 the Settlement and in the same form as attached hereto as Exhibits A & B. The Parties will submit  
10 proof of distribution of notice at or prior to the Final Approval Hearing. Heffler shall provide the  
11 Parties the identification of any Class Member(s) who opt out of the Settlement, whose names  
12 shall be incorporated into the proposed final judgment. As submitted to the Court, the list shall  
13 only include each employee's name and city of residence and not any other sensitive or personal  
14 information.

15 9. The Court directs Defendant to provide the Class Data to Heffler within ten (10)  
16 calendar days after the date of this order, as specified by the Settlement.

17 10. The Court directs Heffler to mail the approved Notice Packet by first-class mail to  
18 the Class Members within ten (10) calendar days after receipt the Class Data from Defendant.

19 11. The filing date for final approval papers is January 23, 2015. The Court will hold a  
20 Final Approval Hearing on February 6, 2015, at 9:30 a.m., to determine whether the Court should  
21 grant Final Approval of the Settlement as fair, reasonable, and adequate. The Court will hear all  
22 evidence and argument necessary to evaluate the Settlement, and will consider Plaintiff's requests  
23 for the Class Representative Incentive Award and Class Counsel's request for the Fee and  
24 Expense Award. Class Members and their counsel may support or oppose the Settlement and the  
25 motion for Incentive Award and Fee and Expense Award, if they so desire, as set forth in the  
26 Settlement and described in the Notice.

27 12. Any Class Member may appear at the Final Approval Hearing in person or by his  
28 or her own attorney, and show cause why the Court should not approve the Settlement, or object to

1 the motion for Incentive Award and the Fee and Expense Award. To object, a Class Member must  
2 file a written objection or notice of intent to appear at the hearing and object to the settlement with  
3 the Court and mail to counsel for the Parties not later than thirty (30) days after mailing of the  
4 Notice Packet.

5 13. The Court reserves the right to continue the date of the Final Approval Hearing  
6 without further notice to Class Members. The Court retains jurisdiction to consider all further  
7 applications arising out of or in connection with the Settlement.

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9 **IT IS SO ORDERED.**

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11 Dated: NOV 12 2014

ERNEST H. GOLDSMITH

Judge of the Superior Court

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