

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

AOUATIF AIT-HAMADI, et al.,)	
Plaintiffs)	
)	Case No. 2016 CA 002467 B
v.)	
)	Judge Neal E. Kravitz
RISTORANTE LA PERLA)	
OF WASHINGTON, et al.,)	
Defendants)	

**ORDER GRANTING PLAINTIFFS’ MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT, DIRECTING THE ISSUANCE OF CLASS NOTICE,
AND SCHEDULING FINAL APPROVAL HEARING**

Upon consideration of the Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, including the Parties’ Settlement Agreement (“Settlement”) and the Exhibits thereto, it is, this 29th day November, 2017, hereby ORDERED as follows:

1. The Plaintiffs and Defendants have negotiated a potential settlement of this Action to avoid the expense, uncertainties, and burden of protracted litigation. The Court has carefully reviewed the Settlement, including the Exhibits, as well as the files, pleadings, and proceedings to date in this Action. The terms and conditions in the Settlement are incorporated herein as though fully set forth in this Order.

PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

2. The Court preliminarily approves the terms of the settlement agreement (“Settlement”), subject to further consideration at the fairness hearing described below. The Court preliminarily finds that the Settlement was reached after arms’ length negotiations between the parties and that the Settlement appears to be adequate, fair, and within the range of possible approval.

3. For the reasons set forth in the Court’s Order on Class certification issued on March 7, 2017, the Class satisfies the prerequisites of Super. Ct. Civ. R. 23(a) and Super. Ct.

Civ. R. 23(b)(3). The Class definition, however, shall be modified for the purposes of the Settlement to include: All past and/or present employees of La Perla who were employed by the restaurant between April 1, 2013 and April 1, 2016.

4. Any Class Member who wishes to opt out of the Settlement must return a copy of the Opt-Out Form prepared by the parties at the court's direction no later than sixty (60) days after the date the Notice is mailed ("Notice Date"). Persons in the Class who do not timely and properly submit an Opt-Out Form in compliance with this Order and the Settlement will be deemed to be Class Members for all purposes under the Settlement, and upon the Effective Date (as defined in the Settlement), will be bound by the Final Approval Order and Settlement and their terms, including, but not limited to, the Releases in the Settlement. If the Settlement is finally approved, any person in the Class who has not submitted a timely written Opt-Out Form shall be bound by all proceedings, orders, and judgments in the Action, even if he or she has pending, or subsequently initiates, litigation against any Released Party relating to any of the Released Claims.

5. Any person in the Class who has not submitted a timely Opt-Out Form and who complies with the requirements of this Section may object to any aspect of the proposed Settlement either on his or her own or through an attorney hired at his or her expense. Any person in the Settlement Class who wishes to object to the Settlement must do so in writing and must file with the Clerk of the Court and serve on Class Counsel and Defendants' Counsel a written statement of objection in accordance with the requirements set forth below and in the Settlement no later than sixty (60) days after the Notice Date. The requirements to assert a valid written objection shall be set forth in the Notice. To be valid, the written objection must include: (i) the case name and number; (ii) a statement that the person is a Class Member; (iii) the name, address and telephone number of the person objecting and, if represented by counsel, of his or

her counsel; (iv) the basis for the objection; and (v) a statement of whether he or she intends to appear at the Final Approval Hearing, either with or without counsel. Any Settlement Class Member who does not object to the Settlement in the manner described in the Class Notice and consistent with this Order shall be deemed to have waived any such objection, shall not be permitted to object to any terms or approval of the Settlement at the Final Approval Hearing, and shall be foreclosed from seeking any review of the Settlement or its terms by appeal or other means.

AUTHORIZATION OF NOTICE

6. The Court finds that the class Notice set forth as Exhibit 2 to Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, as modified at the direction of the court, is the best practicable notice in the circumstances and is reasonably calculated to apprise the Class of the pendency of the Action, the terms of the Settlement, and the right of Class members to object to the Settlement or exclude themselves from the Settlement Class. The Court further finds that the Notice and website (which shall contain the Notice, Claim Form, and Opt-Out Form) are reasonable, constitute due, adequate, and sufficient notice to all persons entitled to receive notice, and meet the requirements of due process. Counsel for the Parties are authorized to complete any missing information and to make any nonsubstantive revisions to the Notice that do not materially reduce the rights of Class Members prior to disseminating them as necessary to fulfill the purposes of the Settlement.

SCHEDULING

7. The following scheduling order shall apply to events other than the Final Fairness Approval Hearing:

(a) The Claims Administrator shall mail the Notice, Claim Form, and Opt-Out Form, in English and Spanish, to each Member of the Class no more than fourteen (14)

days after the date of this Order (“Notice Date”);

(b) Class Counsel shall establish a website containing the Notice, Settlement, and this Order no more than fourteen (14) days after the date of this Order;

(c) Defendants shall post copies of the Notice, in English and Spanish, in all work stations at Ristorante Law Perla of Washington no more than fourteen (14) days after the date of this Order;

(d) Any member of the Class wishing to object to the Settlement or to Opt-Out shall file an objection and/or a request to Opt-Out consistent with Paragraphs 4 and 5 of this Order no more than sixty (60) days after the Notice Date;

(e) Any member who wishes to make a claim shall submit the Claim Form to Class Counsel or the Claims Administrator no later than sixty (60) days after the Notice Date;

(f) Plaintiffs shall file their final Motion in Support of Settlement and Motion for Counsel Fees, Reimbursement of Expenses and an Award of Attorneys’ Fees no more than seventy-five (75) days after the Notice Date;

(g) As may be modified by the Final Approval Order, the Class Administrator shall make payment to the members of the Class who have made claims no later than thirty (30) days after the Court’s final approval of the settlement.

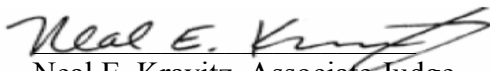
8. A fairness hearing will be held by this Court at 10:00 a.m. on the 19th day of April, 2018 in Courtroom 100 at the Superior Court of the District of Columbia, 500 Indiana Avenue, N.W., Washington, DC 20001. At this hearing, the Court will consider the fairness, reasonableness, and adequacy of the Settlement. The Court may continue the date of the fairness hearing without further notice to the class, and may approve the Settlement, with such modifications as may be agreed to by the parties and approved by the Court, without further

notice to the class.

9. All other proceedings in the Action shall be stayed, except as necessary to effectuate the terms of the Settlement.

10. This Order shall become null and void, and shall be without prejudice to the rights of the Parties, all of whom shall be restored to their respective positions existing immediately before this Court entered this Order, if the proposed Settlement is not finally approved by the Court. In such event, and except as provided therein, the Settlement shall become null and void and be of no further force and effect; the terms and provisions of the Settlement will have no further force and effect with respect to the Parties and will not be used in the Action, or in any other proceeding for any purpose; all communications and documents related to the Settlement will be subject to Federal Rule of Evidence 408 and all other applicable settlement, negotiation, and mediation privileges; the Preliminary and/or Final Approval Order or other judgment or order entered by the Court in accordance with the terms of this Agreement will be treated as vacated, *nunc pro tunc*; neither the Settlement nor the Court's orders, including, without limitation, this Order, shall be used or referred to for any purpose whatsoever; and the Parties shall retain, without prejudice, any and all objections, arguments, and defenses existing prior to this Order.

SO ORDERED.


Neal E. Kravitz, Associate Judge
(Signed in Chambers)

Copies to:

Brendan Klaproth, Esq.
Tina M. Maiolo, Esq.
Bernard G. Dennis, III, Esq.
Via CaseFileXpress