

**AUG 16 2021**

DAVID H. YAMASAKI, Clerk of the Court

BY: \_\_\_\_\_, DEPUTY

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himself and others similarly situated  
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF ORANGE  
12

13 MICHAEL DEMERY, on behalf of himself and  
others similarly situated,

14 Plaintiff,

15 v.

16 SECURITAS SECURITY SERVICES USA,  
17 INC., a Delaware corporation, and DOES 1  
through 50, inclusive,

18 Defendant.  
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Case No. 30-2019-01095304-CU-OE-CXC

[Assigned for all purposes to Hon. Peter  
Wilson]

**ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Hearing

Date: August 12, 2021  
Time: 2:00 p.m.  
Place: Dept. CX102

FAC Filed: January 16, 2020  
Complaint Filed: September 6, 2019  
Trial Date: None

1 This Motion of Plaintiff Michael Demery (“Plaintiff”) for Preliminary Approval of Class  
2 Action Settlement came on for hearing before this Court on August 12, 2021, at 2:00 p.m. The  
3 Court, having considered the Joint Stipulation of Class Action Settlement (“Joint Stipulation”),  
4 attached to this Order as Exhibit A, and the Amendment to the Joint Stipulation (“Amendment”)  
5 and Exhibit 1-8 attached thereto, collectively attached to this Order as Exhibit B, and having  
6 considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement,  
7 memorandum of points and authorities in support thereof, and supporting declaration filed  
8 therewith, and good cause appearing, **HEREBY ORDERS THE FOLLOWING:**

9 1. The Court **GRANTS** preliminary approval of the class action settlement as set  
10 forth in the Joint Stipulation and finds its terms to be within the range of reasonableness of a  
11 settlement that ultimately could be granted approval by the Court at a Final Approval hearing.  
12 The Court preliminarily approves the terms of the Settlement Agreement and finds that they fall  
13 within the range of approval as fair, adequate, and reasonable. Based on a review of the papers  
14 submitted by Plaintiff, the Court finds that the settlement is the result of arm’s-length  
15 negotiations conducted after Plaintiff and/or his counsel adequately investigated the claims and  
16 became familiar with the strengths and weaknesses of the claims. The assistance of experienced  
17 mediators in the settlement process supports the Court’s conclusion that the settlement is non-  
18 collusive and reasonable. The settlement is presumptively valid, but subject to any objections  
19 that may be raised. Settlement Class Members who do not effectively opt out of the Settlement  
20 as provided herein may object to the terms of the Settlement and participate at the Final  
21 Approval Hearing. Settlement Class Members seeking to file a written objection to the terms of  
22 the Settlement must submit the written objection to the Settlement Administrator and/or file it  
23 with the Court and provide notice to all counsel identified in Paragraph 61 no later than forty-  
24 five (45) calendar days after the original date on which the Settlement Administrator emails or  
25 mails the initial notice. Written objections must be signed by the objector and must include (1)  
26 the name of the Action and case number, “*Michael Demery v. Securitas Security Services USA,*  
27 *Inc.*, Civil Action No. 30-2019-01095304-CU-OE-CXC”; (2) the objector’s name, address,  
28 telephone number, and email address; and (3) a factual explanation for the objection. An

1 objector may appear at the final approval hearing in person or through counsel to object  
2 regardless of whether a written objection is submitted. Settlement Class Members who wish to  
3 object to the Settlement but preserve their right to receive an Individual Settlement Payment as  
4 outlined in Paragraph 24 of the Joint Stipulation must also timely submit a valid Claim Form.  
5 Any reply or other briefing may be permitted as directed by the Court.

6 2. For purposes of the settlement, the Court finds that the proposed Settlement Class  
7 is ascertainable and that there is a sufficiently well-defined community of interest among the  
8 Settlement Class Members in questions of law and fact. Therefore, for settlement purposes only,  
9 the Court grants conditional certification of the following Settlement Class as follows:

10 **Settlement Class** - All persons residing in the United States (including all  
11 territories and political subdivision of the United States) on whom Defendant  
12 procured a consumer report or investigative consumer report from and including  
June 29, 2016 through and including October 2, 2018 who were not on-boarded  
by Defendant.

13 3. For purposes of the settlement, the Court designates Michael Demery as Class  
14 Representative, and designates CounselOne, P.C. as Class Counsel.

15 4. The Court designates CPT Group, Inc. as the third-party Settlement Administrator  
16 for disseminating notices.

17 5. The Court approves, as to form and content, the Class Notice attached as Exhibits  
18 2-6 of the Amendment.

19 6. The Court finds that the form of notice to the Settlement Class Members  
20 regarding the pendency of the action and of the Settlement Agreement and the methods of giving  
21 notice to Settlement Class Members constitute the best notice practicable under the  
22 circumstances and constitute valid, due, and sufficient notice to all Settlement Class Members.  
23 The form and method of giving notice complies fully with the requirements of California Code  
24 of Civil Procedure section 382, California Rules of Court 3.766 and 3.769, the California and  
25 United States Constitutions, and other applicable law.

26 7. The Court further approves the procedures for Settlement Class Members to opt  
27 out of or object to the settlement, as set forth in the Notice and the Settlement Agreement.  
28 Settlement Class Members wishing to opt out of the Settlement must send a signed letter by U.S.

1 Mail to the Settlement Administrator that includes (a) their full name, (b) the last four digits of  
2 their social security number, and (c) a clear statement communicating that they elect to be  
3 excluded from the Settlement Class and elect to be excluded from any judgment entered pursuant  
4 to the Settlement; and (d) the case name and case number.

5 8. The Court directs the Settlement Administrator to send the class notice to  
6 Settlement Class Members in accordance with the terms of the Joint Stipulation, as amended.

7 9. The Final Approval hearing for the Court to decide whether the Joint Stipulation,  
8 as amended, should be finally approved as fair, reasonable, and adequate is scheduled on January  
9 6, 2022, at 2:00 p.m. in Department CX102 of this Court, located at 751 W. Santa Ana Blvd.,  
10 Santa Ana, California 92701. Due to the pandemic, the Court may hold the hearing remotely.  
11 The Court reserves the right to continue the date of the Final Approval hearing without further  
12 notice to Settlement Class Members. The Court retains jurisdiction to consider all further  
13 applications arising out of or in connection with the Settlement Agreement.

14 10. At the Final Approval hearing, the Court will consider: (a) whether the Joint  
15 Stipulation, as amended, should be approved as fair, reasonable, and adequate for the Settlement  
16 Class; (b) whether a judgment granting final approval of the Joint Stipulation, as amended,  
17 should be entered; and (c) whether Plaintiff's request for a service award, the costs of settlement  
18 administration, and Class Counsel's attorneys' fees and costs should be granted.

19 11. Counsel for the Parties shall file memoranda, declarations, or other statements and  
20 materials in support of their request for final approval of the settlement and Plaintiff's request for  
21 enhancement payment, the costs of settlement administration, and Class Counsel's attorneys'  
22 fees and costs prior to the Final Approval hearing according to the time limits set by the Code of  
23 Civil Procedure and the California Rules of Court.

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12. An implementation schedule is below:

Event	Date
Defendants to provide class data list to Settlement Administrator no later than:	August 26, 2021 (14 days after order granting preliminary approval)
Settlement Administrator to send Class Notice to the Settlement Class Members no later than:	September 16, 2021 (21 days after receipt of class data list)
Deadline for Settlement Class Members to submit claim form, opt out, or object to the settlement (“Bar Date”):	November 1, 2021 (45 days after Settlement Administrator disseminates Class Notice)
Additional time provided for Settlement Class Members to whom re-mailed notices are sent to submit Claim Forms, objections, or opt outs:	November 22, 2021 (21 days after the Bar Date)
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement (no sooner than 120 days after entering the Preliminary Approval Order):	December 13, 2021
Final Approval Hearing:	January 6, 2022 at 2:00 p.m.
Final Effective Date (assuming Court enters final approval on January 6, 2022 and there are no appeals):	March 15, 2022 (60 days after entry of final approval order)
Deadline for Defendant to make wire transfer to Settlement Administrator in the amount of the Gross Settlement Fund (assuming Court enters final approval on January 6, 2022 and there are no appeals):	March 29, 2022 (14 calendar days of the Final Effective Date)
Deadline for Settlement Administrator to make Individual Settlement Payments, Class Representative Service Award, and Class Counsel Fees and Expenses (assuming Court enters final approval on January 6, 2022 and there are no appeals):	April 19, 2022 (21 calendar days from receipt of funds from Defendant)
Deadline for Settlement Class Members to cash checks (assuming Court enters final approval on January 6, 2022 and there are no appeals):	August 24, 2022 (120 days from issuance)

1 2 3 4	Deadline for the Settlement Class Members to cash re-issued checks before uncashed checks become void and the amounts are remitted to the cy pres recipient:	October 10, 2022 (45 days after the initial issuance of checks to Settlement Class Members)
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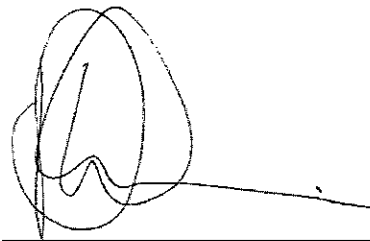
5 13. Pending the Final Approval hearing, all proceedings in this action, other than  
6 proceedings necessary to carry out or enforce the terms and conditions of the settlement and this  
7 Order, are stayed.

8 14. Counsel for the Parties are hereby authorized to use all reasonable procedures in  
9 connection with the administration of the settlement which are not materially inconsistent with  
10 either this Order or the terms of the settlement.

11 15. In the event the settlement is not finally approved, or otherwise does not become  
12 effective in accordance with the terms of the settlement, this Order shall be rendered null and  
13 void and shall be vacated, and the Parties shall revert to their respective positions as of before  
14 entering into the settlement.

15 **IT IS SO ORDERED.**

16  
17 Dated: August 16, 2021



18 The Honorable Peter Wilson  
19 Judge of the Superior Court