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Superior Court of California
County of Los Angeles

09/04/2024

David W. Slayton, Executive Officer / Clerk of Court

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and others similarly situated*

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

10 **TAMARA MARGOLIS**, an individual;
11 **AIMEE TULLY**, an individual; on behalf of
12 themselves and all others similarly situated,

13 Plaintiffs,

14 v.

15 **HEALTHY SPOT LLC**, a Limited Liability
Company; and **DOES 1-20**, inclusive,

16 Defendants,
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Case No. 21STCV25347

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT; AND
APPROVING FORM AND CONTENT OF
CLASS NOTICE**

Date: April 10, 2024
Time: 9:00 a.m.
Judge: Hon. David S. Cunningham
Dept.: 11

1 **WHEREAS**, Plaintiffs Tamara Margolis and Aimee Tully (collectively, “Plaintiffs”),
2 individually, and on behalf of Class Members, entered into a Settlement Agreement on February 27,
3 2024 with Defendant Healthy Spot LLC (hereinafter referred to as “Healthy Spot” or “Defendant”),
4 which is subject to Court approval. The Settlement Agreement sets forth the terms and conditions for
5 a proposed resolution of the litigation against Defendant and for the dismissal of the litigation against
6 them with prejudice (“Settlement” or “Settlement Agreement”).

7 **WHEREAS**, Plaintiffs filed a Motion for Preliminary Approval of Settlement with Defendant
8 and for approval of the Notice Plan.

9 **WHEREAS**, the Court heard the argument of counsel and, having reviewed the pleadings, the
10 Settlement Agreement, other papers on file in this action, and the statements of counsel and the parties,
11 hereby finds that the Motion should be **GRANTED**.

12 **NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

13 1. For the purposes of this Order, except as otherwise set forth herein, the Court adopts
14 and incorporates the definitions contained in the Settlement Agreement.

15 2. The Court preliminarily approves the Settlement with Defendant.

16 3. The Court finds that Plaintiffs’ Settlement Agreement treats Class Members equitably
17 relative to each other in light of each individual Class Member’s damages and the strength of their
18 claims on the merits.

19 4. All further proceedings between the parties are stayed in this action except for any
20 actions required to effectuate the Settlement.

21 5. The Court approves the Class Notice as presented to the Court.

22 6. The Court finds that the Settlement is fair, reasonable, and adequate justifying notice to
23 the Class Members.

24 7. The Court finds that Plaintiffs’ proposed Notice Plan complies with the California Rules
25 of Court, the California Code of Civil Procedure, and Due Process. The Notice fairly apprises the Class
26 Members of the terms of the proposal, their rights, their options, deadlines related to the Motion, and
27 the binding nature of a class judgment. The Court finds that the Notice Plan: (i) is the best notice
28 practicable; (ii) is reasonably calculated to, under the circumstances, apprise Class Members of the

1 proposed Settlement and of their right to object or exclude themselves as provided in the Settlement
2 Agreement; (iii) is reasonable and constituting due, adequate, and sufficient notice to all persons
3 entitled to receive notice; and (iv) meets all applicable requirements of Due Process and any other
4 applicable requirements under state law.

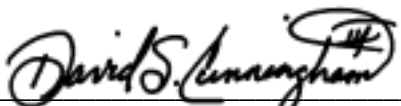
5 8. The Administrator shall provide notice of the Settlement in accord with the Notice Plan.

6 9. The Court will conduct a Final Approval Hearing on ~~at~~ at
7 ~~FFICCA~~. The Court may reschedule the Final Approval Hearing or change any of the deadlines
8 set pursuant to the Settlement Agreement as it deems necessary. The date of the Final Approval
9 Hearing may change without further notice to the Class Members. The Final Approval Hearing will be
10 conducted to determine the following:

- 11 a. Whether the proposed Settlement is fair, reasonable, and adequate and should be
- 12 granted final approval.
- 13 b. Whether final judgment should be entered dismissing with prejudice the claims of the
- 14 Class Members against the Defendants.
- 15 c. Such other matters as the Court may deem appropriate.

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17 **IT IS SO ORDERED.**

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19 Dated: 09/04/2024



Honorable Judge David S. Cunningham
Judge of the Superior Court