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MERCED COUNTY
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CLERK OF THE SUPERIOR COURT
[Signature]
DEPUTY

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF MERCED**

LISA HAGGERTY and CHRIS
SWEARINGIN, on behalf of themselves and
all others similarly situated,

Plaintiffs,

vs.

CONSUMER SAFETY TECHNOLOGY,
LLC d/b/a INTOXALOCK and DOES 1 - 10,
inclusive,

Defendants.

Case No.: 22CV-01414

*Assigned for All Purposes to Hon. Brian
McCabe, Courtroom 8*

**[REDACTED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Hearing Date: October 28, 2024
Hearing Time: 8:15 a.m.
Courtroom: 8

Complaint filed: May 18, 2022
Trial Date: None Set

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[PROPOSED] ORDER

The Motion of Plaintiff Chris Swearingin (“Plaintiff”) for Preliminary Approval of Class Action Settlement (“Motion”) came regularly for hearing before this Court on October 28, 2024. The Court, having considered the Plaintiff and Defendant Consumer Safety Technology, LLC d/b/a Intoxalock (“Defendant” or “Intoxalock”) (collectively, the “Parties”) proposed Settlement Agreement and Release (“Settlement Agreement” or “Settlement”), attached as Exhibit 2 to the Declaration of Mark S. Greenstone filed concurrently with the Motion; having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement; the memorandum of points and authorities in support thereof, and supporting declarations filed therewith; and good cause appearing, **HEREBY ORDERS THE FOLLOWING:**

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing. All terms used herein shall have the same meaning as defined in the Settlement Agreement. For purposes of the Settlement only, the Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Settlement Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following Settlement Class:

All natural persons listed in Intoxalock’s records that have a California address and/or telephone number bearing a California prefix and who had one or more telephone conversations with an Intoxalock sales representative at any time during the period from and including May 18, 2021 through February 8, 2022.

2. For purposes of the Settlement only, the Court designates Plaintiff Chris Swearingin as the Class Representative and designates Mark S. Greenstone and Benjamin N. Donahue of Greenstone Law APC as Settlement Class Counsel.

3. The Court designates Eisner Advisory Group LLC as the third-party Claims Administrator.

4. The Parties are ordered to implement the settlement according to the terms of the Settlement Agreement.

1 5. The Court approves, as to form and content, the Settlement Class Notice (including
2 the Email Settlement Class Notice attached as Exhibit B to the Settlement Agreement, the
3 Postcard Settlement Class Notice attached as Exhibit C to the Settlement Agreement, and the
4 Long-Form Settlement Class Notice attached as Exhibit D to the Settlement Agreement).

5 6. The Court finds that the form of notice to the Settlement Class regarding the
6 pendency of the action and of the Settlement, the dates selected for mailing and distribution, and
7 the methods of giving notice to members of the Settlement Class, satisfy the requirements of due
8 process, constitute the best notice practicable under the circumstances, and constitute valid, due,
9 and sufficient notice to all members of the Settlement Class. The form and method of giving
10 notice complies fully with the requirements of California Code of Civil Procedure § 382,
11 California Civil Code § 1781, California Rules of Court §§ 3.766 and 3.769, the California and
12 United States Constitutions, and other applicable law.

13 7. The Court further approves the procedures for Settlement Class Members to opt-
14 out of or object to the Settlement, as set forth in the Settlement Class Notice and the Settlement
15 Agreement. The procedures and requirements for filing objections in connection with the Final
16 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
17 presentation of any Settlement Class Member's objection to the Settlement, in accordance with
18 the due process rights of all Settlement Class Members.

19 8. The Court directs the Claims Administrator to provide the Settlement Class Notice
20 to the members of the Settlement Class in accordance with the terms of the Settlement.

21 9. The Settlement Class Notice shall provide ninety (90) calendar days' notice for
22 Settlement Class Members to submit a Claim Form.

23 10. The Settlement Class Notice shall provide sixty (60) calendar days' notice for
24 Settlement Class Members to opt-out of or object to the Settlement.

25 11. The hearing on Plaintiff's Motion for Final Approval of Settlement on the question
26 of whether the Settlement should be finally approved as fair, reasonable, and adequate is
27 scheduled in Courtroom 8 of this Court, located at 627 W. 21st Street, Merced, California 95340,
28 on 3/9/25 at 8:15 am p.m.

1 12. At the Final Fairness hearing, the Court will consider: (a) whether the Settlement
2 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment
3 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application
4 for a class representative service award, administration costs, and Settlement Class Counsel's
5 attorney's fees and costs, should be granted.

6 13. Counsel for the Parties shall file memoranda, declarations, or other statements and
7 materials in support of their request for final approval of the Settlement as well as Plaintiff's
8 application for a class representative service award, administration costs, and Settlement Class
9 Counsel's attorney's fees and costs, prior to the hearing on Plaintiff's Motion for Final Approval
10 of Settlement according to the time limits set forth in the Settlement Agreement and in the below
11 implementation schedule.

12 14. An implementation schedule is below:

Event	Date
Defendant to provide class contact information ("Class Member Contact List") to Claims Administrator no later than:	<u>11/5/24</u> [7 calendar days following preliminary approval]
Claims Administrator to send the Settlement Class Notice to the Settlement Class Members no later than:	<u>12/13/24</u> [45 calendar days following preliminary approval]
Claims Administrator to publish the Settlement Website no later than:	<u>1/27/25</u> [45 calendar days following preliminary approval]
Deadline for Settlement Class Counsel to file motion for final approval and motion for an award of attorneys' fees, litigation costs, administration costs, and the class representative service award.	<u>2/3/25</u> [45 calendar days after the Claims Administrator sends Settlement Class Notice]

<p>1 Deadline for Settlement Class Members to postmark 2 exclusion from, or objections to the Settlement:</p>	<p>_____</p> <p>[60 calendar days after the Claims Administrator sends Settlement Class Notice]</p>
<p>5 Deadline for Settlement Class Members to submit Claim 6 Forms:</p>	<p>_____</p> <p>[90 calendar days after the Claims Administrator sends Settlement Class Notice]</p>
<p>9 Hearing on Motion for Final Approval of Settlement</p>	<p>_____</p>

10
11 15. Pending the Final Fairness hearing, all proceedings in this action, other than
12 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
13 Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court
14 hereby enjoins Plaintiff and all members of the Settlement Class from filing or prosecuting any
15 claims, or suits regarding claims released by the Settlement, unless and until such Settlement
16 Class Members have filed valid Requests for Exclusion with the Claims Administrator.

17 16. Counsel for the Parties are hereby authorized to utilize all reasonable procedures
18 in connection with the administration of the Settlement which are not materially inconsistent with
19 either this Order or the terms of the Settlement.

20 **IT IS SO ORDERED.**

21
22
23 DATED: 10/20/24

24 By: 
25 HON. BRIAN MCCABE
26 JUDGE OF THE SUPERIOR COURT