



1 On April 8, 2009, this court conducted a Preliminary Approval Hearing to evaluate the  
2 Proposed Stipulation of Class Action Certification and Settlement Agreement (“Settlement Agreement”)  
3 between the proposed settlement class (as defined later herein) and Defendants.  
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5 This court has carefully considered the propriety of conditional certification of the  
6 proposed settlement class and the parties’ request for preliminary approval of the Settlement Agreement  
7 as set forth in the Motion for Preliminary Approval filed with this court. The court has presided over  
8 numerous hearings and ruled on numerous motions presented to it. Consequently, the court is fully  
9 informed and in a position to weigh and evaluate, and has weighed and evaluated, and will continue to  
10 weigh and evaluate, the procedural and substantive barriers to trial and verdict and the value of the  
11 Plaintiffs’ claims and the Defendants’ defenses for settlement purposes.  
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13 Upon the pending Motion for Preliminary Approval, this court, having read, heard and  
14 considered all papers, pleadings, arguments, and evidence submitted, and good cause appearing therefore,  
15 now finds and orders as follows:  
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17 **FINDINGS**  
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19 1. Conditional certification for settlement purpose of the proposed settlement class,  
20 as defined herein and in the Settlement Agreement, is appropriate under California Code of Civil  
21 Procedure Section 382 and Federal Rules of Civil Procedure, Rule 23(a)(1)-(4). In light of the settlement,  
22 and for purpose of the determination of preliminary approval of the settlement, the court makes the  
23 findings set forth herein.  
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25 2. The settlement described in the Settlement Agreement is clearly within the range  
26 of possible approval as fair, reasonable, and adequate. The terms contained within the Settlement  
27 Agreement appear, at this stage, to be the product of arms-length, serious, informed, non-collusive, and  
28 non-overreaching negotiations, which followed a contested litigation.



1           4.       The law firm of Callahan & Blaine, APLC and Michael J. Sachs of that firm and  
2 Law Office of Rachel Lew, and Rachel Lew of that firm, are appointed class counsel for purposes of  
3 representing the class conditionally certified in the preceding paragraphs of this Order.  
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5           5.       Plaintiffs Zhen Dong Zhang and Jun Hong are appointed representatives of the  
6 settlement class.  
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8           6.       Pursuant to the agreement of the parties, the firm of Desmond, Marcello &  
9 Amster, 6060 Center Drive, Suite 825, Los Angeles, California, 90045, (310) 846-4774,  
10 [www.dmavalue.com](http://www.dmavalue.com), is appointed as the Claims Administrator for the settlement class.  
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12           7.       Within thirty (30) days of the entry of this Order, a Notice of Preliminary  
13 Approval and Final Approval Hearing (“Notice”), in the form attached to the Motion for Preliminary  
14 Approval as Exhibit “B,” along with the Request for Exclusion Form the form attached to the Motion for  
15 Preliminary Approval as Exhibit “C,” and the Claim Forms for members of Sub Class A and Sub Class  
16 B, in the forms attached to the Motion for Preliminary Approval as Exhibit “D,” shall be sent by the  
17 Claims Administrator to all members of the class as described above. This Notice shall be sent to all  
18 members of the class as provided for within the terms of the Settlement Agreement. The Notice provides  
19 a clear and full explanation of the settlement, the settlement process, and the rights of the class members,  
20 including a description of the settlement class and its subclasses, the settlement amount, the relief the  
21 settlement funds will provide class members, and informs class members that settlement class counsel  
22 will be seeking an award of attorneys’ fees and costs from the total settlement proceeds. Further, the  
23 Notice describes the proposed settlement with enough specificity to allow class members to make an  
24 informed choice regarding whether to accept and participate in the settlement. Additionally, the Notice  
25 provides a neutral, informative, and understandable description of the Settlement Agreement and the  
26 rights of the class members under the Settlement Agreement.  
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1           8.       Within that same period of time, an Abbreviated Notice of settlement shall be  
2 published in three newspapers of general circulation for a seven (7) day period of time, in each  
3 circumstance in the form attached as Exhibit "E" to the Motion for Preliminary Approval. The  
4 Abbreviated Notice described in Exhibit "E," provides a brief, clear summary of the settlement and  
5 provides clear directions for obtaining additional information. The publication of the Abbreviated Notice  
6 shall be performed as described in the Settlement Agreement.

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8           9.       The Notice and Abbreviated Notice to be provided as set forth in this Order are  
9 hereby found to be the best means for providing notice under the circumstances and, when completed,  
10 shall constitute sufficient notice of the settlement, the final approval hearing, and the right to be excluded  
11 from the settlement to all persons entitled to participate in the settlement pursuant to California Code of  
12 Civil Procedure Section 382. The Notice and the Abbreviated Notice, as well as the other means of  
13 providing information concerning the settlement and the Final Approval Hearing described in the  
14 Settlement Agreement, all meet the requirements for a notice of class action settlement. See, Bell v.  
15 American Title Insurance Co. (1991) 226 Cal. App. 3d 1589; see also, Cartt v. Superior Court (1975) 50  
16 Cal. App. 3d 960.

17  
18           10.      Any member of the class who desires to opt-out of this class action settlement  
19 must post mark his or her notification of such intent (the request for exclusion), pursuant to instructions  
20 in the Notice, no later than thirty (30) days from the post marked date of mailing of the Notice.

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22           11.      A hearing on Final Settlement Approval (the "Final Approval Hearing") is hereby  
23 scheduled to be held before this court on August 17, 2009 at 9:00 a.m., to consider the fairness,  
24 reasonableness, and adequacy of the proposed settlement, Plaintiffs' motion for the award of attorneys'  
25 fees and costs, the dismissal with prejudice of the class action with respect to the Defendants, and the  
26 entry of the final judgment of in this action. The date and time of the Final Approval Hearing shall be  
27 set forth in the Notice.

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12. All papers in support of final approval shall be filed on or before July 31, 2009.

13. All moving papers with respect to Plaintiffs' counsels' request for attorneys' fees and costs, shall be filed pursuant to the Code of Civil Procedure.

14. Any class member may, but need not, submit comments or objections to the Settlement Agreement. All such comments and objections must be in writing and filed with the clerk of the court, no later than forty-five (45) days from the post marked mailing date of the Notice, with copies of all such papers delivered to class counsel and Defendants' counsel on or before the same date.

15. Class members wishing to be heard for the Final Approval Hearing are required to file written comments or objections indicating in their writings their intention to appear at the hearing. Class members need not appear at the Final Approval Hearing or take any other action to indicate their approval of the settlement.

16. Any class member may, but need not, enter an appearance through his or her own attorney or may appear without an attorney for the Final Approval Hearing.

Date: \_\_\_\_\_

\_\_\_\_\_  
Honorable David L. Minning  
Judge of the Superior Court

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1 **PROOF OF SERVICE**

2 I am employed in the County of Orange, State of California. I am over the age of  
3 18 and not a party to the within action; my business address is 3 Hutton Centre, Ninth Floor, Santa  
4 Ana, California 92707.

5 On April 14, 2009, I served the foregoing document(s) entitled:

6 **[PROPOSED] ORDER CONDITIONALLY CERTIFYING SETTLEMENT CLASS AND  
7 GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION  
8 SETTLEMENT**

9 on the interested parties in this action by placing  the original  a true copy thereof enclosed in  
10 a sealed envelope addressed as follows:

11 **SEE ATTACHED SERVICE LIST**

12  **BY MAIL:** I deposited such envelope in the mail at Santa Ana, California. The envelope was  
13 mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of  
14 collection and processing correspondence for mailing. It is deposited with the United States  
15 Postal Service on that same day in the ordinary course of business. I am aware that on motion of  
16 party served, service is presumed invalid if postal cancellation date or postage meter date is more  
17 than one (1) day after date of deposit for mailing in affidavit.

18  **BY FACSIMILE:** I transmitted the foregoing document by facsimile to the party(s) identified  
19 above by using the facsimile number(s) indicated. Said transmission(s) were verified as complete  
20 and without error.


21  **BY FEDEX:** I deposited such envelope(s) at Santa Ana, California for collection and  
22 delivery by Federal Express with delivery fees paid or provided for in accordance with ordinary  
23 business practices. I am "readily familiar" with the firm's practice of collection and processing  
24 packages for overnight delivery by Federal Express. They are deposited with a facility regularly  
25 maintained by Federal Express for receipt on the same day in the ordinary course of business.

26  **VIA HAND DELIVERY:** I caused such envelope to be hand delivered by First Legal  
27 Attorney Services to the addressee above.

28  **VIA E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an  
agreement of the parties to accept service by e-mail or electronic transmission, I caused the  
documents to be sent to the persons at the e-mail addresses listed above. I did not receive, within  
a reasonable time after the transmission, any electronic message or other indication that the  
transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct.

Executed on April 14, 2009, at Santa Ana, California.

  
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Kerie Goldsmith

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**SERVICE LIST**

*Zhen Dong Zhang v. Chung King Restaurants, Inc., et al.*  
Los Angeles Superior Court Case No. BC329374

Peter Garchie, Esq. Judd A. Gilefsky, Esq. <b>LEWIS BRISBOIS BISGAARD SMITH LLP</b> 221 North Figueroa Street, Suite 1200 Los Angeles, CA 90012 Tel.: (213) 250-1800 Fax: (213) 250-7900	<i>Attorneys for Defendants</i>
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