

JAN 27 2014

Sherri R. Carter, Executive Officer/Clerk  
By: Roxanne Arraiga, Deputy

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14 *Attorneys for Plaintiff*

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
16 **FOR THE COUNTY OF LOS ANGELES**

17 KRIKOR "GREGORY" NALBANTIAN;  
18 individually, and on behalf of other  
19 members of the general public similarly  
20 situated,

21 Plaintiff,

22 vs.

23 BARNEY'S WORLDWIDE, INC., a  
24 California corporation; and DOES 1 through  
25 100, inclusive,

26 Defendant.

Case No.: BC493145

Honorable Kenneth R. Freeman  
Dept. 310

~~[FURTHER REVISED PROPOSED]~~ ORDER  
GRANTING PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT

[Joint Supplemental Brief in Support of  
Preliminary Approval of Class Action  
Settlement, Supplemental Declarations of  
Class Counsel (Edwin Aiwazian and Kevin  
Shenkman), and Declaration of Amber  
Henry filed concurrently herewith]

Hearing Date: January 27, 2014  
Hearing Time: 11:00 a.m.  
Hearing Place: Department 310

Complaint Filed: October 3, 2012  
Jury Trial Date: None Set

1 Plaintiff Krikor "Gregory" Nalbantian's ("Plaintiff") motion for preliminary approval of  
2 a class action settlement and certification of settlement class came before the Court on  
3 January 27, 2014, at 11:00 a.m. in Department 310 before the Honorable Kenneth R. Freeman.  
4 The Court having considered the papers submitted in support of the motion, HEREBY ORDERS  
5 THE FOLLOWING:

6 1. The Court certifies the proposed Settlement Class for settlement purposes.

7 2. The Court grants preliminary approval of the class action settlement based upon  
8 the terms set forth in Amended Stipulation of Class Action Settlement ("Settlement  
9 Agreement"). The Court finds that the terms of the settlement are fair, adequate, and reasonable  
10 to the Settlement Class.

11 3. The Court hereby preliminarily finds that the Settlement Agreement was the  
12 product of serious, informed, non-collusive negotiations conducted at arm's length by the parties.  
13 In making this preliminary finding, the Court considered the nature of the claims set forth in the  
14 Complaint, the amounts and kinds of benefits which shall be paid pursuant to the Settlement  
15 Agreement, the allocation of settlement proceeds among the Class Members, and the fact that the  
16 Settlement Agreement represents a compromise of the parties' respective positions. The Court  
17 further preliminarily finds that the terms of the Settlement Agreement have no obvious  
18 deficiencies and do not improperly grant preferential treatment to any individual Class Member.  
19 Accordingly, the Court preliminarily finds that the Settlement Agreement was entered into in  
20 good faith.

21 4. The Court finds that the dates set forth in the Settlement Agreement meet the  
22 requirements of due process and provide the best notice practicable under the circumstances, and  
23 constitute due and sufficient notice to all persons entitled thereto.

24 ACCORDINGLY, IT IS HEREBY ORDERED that,

25 a. On or before February 10, 2014, (14 calendar days from the date of  
26 Preliminary Approval), Defendant shall publish the Notice of Proposed Class Action  
27 Settlement – Short Form notice ("Short Form") at all of Defendant's restaurants  
28 according to the terms of the Settlement Agreement. Kurtzman Carson Consultants

1 (“KCC”), the appointed Settlement Administrator, shall publish the Settlement  
2 Agreement, Preliminary Approval Order, Claim Forms and the Notice of Proposed Class  
3 Action Settlement (“Class Notice”) on <http://www.kobebeefclassaction.com>;

4 b. On or before July 25, 2014, (45 calendar days after the expiration of the  
5 notice period), all Claim Forms must be submitted to the Settlement Administrator  
6 postmarked by U.S. Mail.

7 c. On or before July 25, 2014, (45 calendar days after the expiration of the  
8 notice period), all Opt-Out Forms must be returned to the Settlement Administrator  
9 postmarked by U.S. Mail.

10 d. On or before July 25, 2014, (45 calendar days after the expiration of the  
11 notice period), all Objection Forms must be returned to the Settlement Administrator  
12 postmarked by U.S. Mail.

13 5. The Court approves the [Proposed] Order Granting Final Approval of Class  
14 Action Settlement and Final Approval of Attorneys’ Fees, Costs and Incentive Award and  
15 Judgment Thereon (“EXHIBIT A” to the Settlement Agreement), the Short Form notice  
16 (“EXHIBIT B” to the Settlement Agreement), and the Class Notice (“EXHIBIT D” to the  
17 Settlement Agreement).

18 6. The Court approves Shenkman & Hughes and Lawyers *for* Justice, PC as Class  
19 Counsel.

20 7. The Court approves Krikor “Gregory” Nalbantian as the Class Representative.

21 8. The Court approves KCC as the Settlement Administrator.

22 9. The Court preliminarily approves Plaintiff’s request for Class Counsel’s  
23 attorneys’ fees and costs and the requested Incentive Award to the Class Representative.

24 10. The Final Approval Hearing shall be held on September 17, 2014 at 10:00  
25 a.m. in Department 310 of the Superior Court for the State of California, County of Los  
26 Angeles, located at 600 Commonwealth Avenue, Los Angeles, California 90005, to consider the  
27 fairness, adequacy and reasonableness of the proposed Settlement Agreement preliminarily  
28

1 approved by this Order of Preliminary Approval, and to consider the application of Class  
2 Counsel for an award of reasonable attorneys' fees and costs incurred and the Class  
3 Representative incentive award. All briefs and materials in support of an Order of Final  
4 Approval and Application for Attorneys' Fees and Costs shall be filed with this Court on or  
5 before September 3, 2014;

6 11. IT IS FURTHER ORDERED that if for any reason the Court does not execute  
7 and file an Order of Final Approval and Judgment, the Settlement Agreement and the proposed  
8 settlement that is the subject of this Order, and all evidence and proceedings had in connection  
9 therewith, shall be without prejudice to the status quo ante rights of the parties to the litigation,  
10 as more specifically set forth in the Settlement Agreement.

11 12. IT IS FURTHER ORDERED that, pending further Order of this Court, all  
12 proceedings in this matter except those contemplated herein and in the Settlement Agreement are  
13 hereby stayed.

14 13. The Court expressly reserves the right to adjourn or continue the Final Approval  
15 Hearing from time to time without further notice to members of the Settlement Class.

16  
17 IT IS SO ORDERED.

**KENNETH R. FREEMAN**

18  
19 Dated: JAN 27 2014

Honorable Kenneth R. Freeman  
Judge of the Los Angeles Superior Court

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**PROOF OF SERVICE**

*STATE OF CALIFORNIA, COUNTY OF LOS ANGELES*

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 410 West Arden Avenue, Suite 203, Glendale, California 91203.

On January 27, 2014, I served the foregoing document(s) described as: **[FURTHER REVISED PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on interested parties in this action as follows:

John J. Shaeffer  
Amber Henry  
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*Attorney for Defendant Barney's Worldwide, Inc.*

**[X] BY ELECTRONIC SERVICE**

Pursuant to the Court's Order Authorizing Electronic Service, I caused the documents described above to be E-Served through File & Serve Xpress to the parties listed above.

**[X] STATE**

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

Executed on January 27, 2014 at Glendale, California.



Suzana Solis