

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID HOUGH; *et al.*,

Plaintiffs,

v.
MAX K. DAY; *et al.*,

Defendants.

Case No. 2:24-cv-02886-WLH-SK

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

Plaintiffs David Hough, Amund Thompson, Isabel Ramos, Anthony Ramos, and Michael Nibarger (“Plaintiffs”) filed an unopposed motion for preliminary approval of four class action settlement agreements with: (1) Defendants Max K. Day; Max O. Day; Michael Day; Jared Day; Precision Trading Group, LLC; and Providence Oak Properties LLC (collectively, the “Day Defendants”); (2) Christine Hagar; (3) Total Apps, Inc.; and Reyhan Pasinli (collectively, the “Total Apps Defendants”); and (4) Travis Marker; The Law Office of Travis R. Marker, a Professional Corporation (d.b.a. “Marker Law and

1 Mediation"); and Parlay Law Group, A Professional Corporation (collectively, the "Marker
2 Defendants," and together with the Day Defendants, Christine Hagar, and the Total Apps
3 Defendants, "Defendants").
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5 The Court, having considered Plaintiffs' Motion, and good cause appearing
6 therefore, hereby GRANTS the Motion and ORDERS as follows:
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8 1. For settlement purposes only, the Court hereby preliminarily and conditionally
9 certified a Class defined as
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11 All individuals who (a) purchased services relating to the
12 setup or management of an online store from Yax
13 Ecommerce LLC, Precision Trading Group, LLC, WA
14 Distribution LLC, Providence Oak Properties, LLC, WA
15 Amazon Sellers LLC, and Yax IP and Management Inc.
16 (collectively, "Wealth Assistants") between June 2021 and
17 November 2023, (b) did not make a profit on their purchase
18 of that business opportunity, and (c) have never been
19 owners, employees, legal representatives, or successors of
20 Wealth Assistants.

21 2. The Court hereby grants preliminary approval of the Parties' settlements,
22 attached as Exhibits B – E of the Banks Declaration, because the settlements fall
23 within the range of possible approval as fair, adequate, and reasonable, and
24 appear to be the product of intensive, serious, non-collusive arm's-length and
25 informed negotiations, and treat all Class Members fairly.
26

27 3. The Court approves, as to form and content, the notice of the settlements in the
28 form attached to the Banks Declaration as Exhibit A ("Notice"). The Parties'

1 proposed notice plan is sound because individual notice will be provided (through
2 a common and customary method of communication) to all Class Members
3 whose identities are known to the Parties. The notice envisioned is the best notice
4 practicable. The proposed Notice sufficiently informs class members of the terms
5 of the settlements, their rights under the settlements, their right to object to the
6 settlements, their right to receive a settlement share or elect not to participate in
7 the settlements, and the process for doing so, and the date and location of the final
8 approval hearing, and therefore is approved.
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12 4. The Court approves the procedures for class members to object to or otherwise
13 comment on the settlements as set forth in the Notice. Pursuant to the Notice, any
14 Class Member who wishes to elect not to participate in the Settlement has until
15 thirty (30) days after the issuance of the Notice to submit that person's comment
16 or objection pursuant to the procedures set forth in the Notice.
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19 5. The Court also approves the following procedures for class members to opt out
20 of the settlements:
21

22 Any class member who wishes to elect or not participate in the
23 settlements has until forty-five (45) days after the issuance of the Notice
24 to submit that person's request for exclusion pursuant to the procedures
set forth in the Notice.

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26 6. The Court directs the distribution of the Notice by the following procedures:
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28 Within thirty (30) calendar days of this Order, the Settlement
Administrator shall provide notice to Settlement Class Members by
emailing and mailing (via a postcard) a link to the Notice to all potential

1 Settlement Class Members at the email addresses and mailing addresses
2 available in the Day Defendants' records or which otherwise may be
3 identified through further reasonable effort. The Notice will be
available on a website published by the Settlement Administrator.

4 7. The Court also approves the following claims process:

5 To receive a portion of the settlement fund, class members will be
6 required to fill out the Claim Form (attached as Exhibit G to the Banks
7 Declaration), which asks them to state the amount they paid to Wealth
8 Assistants and the amount they received in connection with the business
9 opportunity they purchased from Wealth Assistants. Class Members
10 will also be required to provide to the Settlement Administrator proof
11 of the amount they paid to Wealth Assistants, which proof could take
12 the form of a wire transfer confirmation or a bank account statement,
13 for example. Each class member's damages will be deemed to be the
14 amount they paid to Wealth Assistants less the amount they received in
connection with the business opportunity they purchased from Wealth
Assistants.

15 8. Class members must submit the required Claims Form and proof of payment no
16 later than 45 days after issuance of the Notice.

17 9. Class Counsel must file their motion for attorneys' fees and costs no later than
18 the date Plaintiffs file the motion for final approval, and the motion will be heard
19 at the final approval hearing.

20 10. The Court preliminarily finds that Plaintiffs are adequate representatives of the
21 Class and appoints them as such.

22 11. The Court appoints Stretto to act as the settlement administrator.

23 12. The Court preliminarily approves Banks Law Office and Richard A. Nervig P.C.
24 as Class Counsel, subject to the final approval hearing.

13.A Final Approval Hearing will be held on _____, at _____
1
2 a.m./p.m., in Courtroom 9B of the First Street Courthouse of the United States
3 District Court for the Central District of California, to determine whether the
4 Court should finally approve the Settlements as fair, reasonable, and adequate to
5 the Class. The Court will hear all evidence and argument necessary to evaluate
6 the Settlements and will also consider the motion for approval of attorneys' fees
7 and costs. Class Members and their counsel may support or oppose the Settlement
8 and the motion for an award of attorneys' fees and costs, if they so desire, as set
9 forth in the Class Notice.

13
14. All proceedings in this matter are hereby stayed pending the Final Approval
15 Hearing, except for those actions necessary to implement and effectuate the terms
16 of the Settlements and secure their final approval.

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

22 **IT IS SO ORDERED.**

24 Dated:

25 _____
26 HON. WESLEY L. HSU
27 UNITED STATES DISTRICT JUDGE
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