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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

TODD HALL and GEORGE
ABDELSAYED individually and on
behalf of all others similarly situated,
Plaintiffs,

v.

MARRIOTT INTERNATIONAL, INC.,
a Delaware corporation,
Defendant.

Case No. 3:19-cv-01715-JO-AHG

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

The Honorable Jinsook Ohta

Plaintiffs Todd Hall and George Abdelsayed, individually and on behalf of Class Members (“Plaintiffs” or “Class Representatives”), filed a Motion for Preliminary Approval of Class Action Settlement (hereinafter referred to as the “Preliminary Approval Motion”) on May 10, 2024 in the above-captioned action (the “Action”). The Court has read and considered the Class Action Settlement Agreement dated May 10, 2024 (the “Settlement” or “Settlement Agreement” or “Agreement”), the Preliminary Approval Motion, briefing submitted by Defendant Marriott International, Inc. (“Marriott” or “Defendant”), and the supporting documents. Based on its review of the Settlement and familiarity with all the files,

1 records, and proceedings herein, the Court concludes upon preliminary examination,
2 that: (1) the proposed Class satisfies the requirements of Rule 23(a), Rule 23(c)(4),
3 and as it applies to the certified issues Class only, Rule 23(b)(3); (2) the Settlement
4 appears fair, reasonable, and adequate, and within the range of reasonableness for
5 preliminary approval such that a presumption of fairness is appropriate; (3) the Class
6 should receive notice of the Settlement by website and be provided the opportunity
7 to object to it; and (4) whether the Settlement is fair, reasonable, and adequate and
8 should be finally approved and confirmed through final judgment, and whether the
9 Court should grant Class Counsel’s request for payment of attorney fees, costs, and
10 expenses as well as the service award for the Class Representatives should be
11 considered at, and is reserved for, a final approval hearing (the “Final Approval
12 Hearing”). All capitalized terms used herein have the meanings defined herein or in
13 the Agreement.

14 The Court hereby finds and orders that:

15 **1. Jurisdiction.**

16 The Court has jurisdiction over the subject matter of this Action and over each
17 of the Parties hereto, including under 28 U.S.C. § 1332, and that venue is proper in
18 this District.

19 **2. Preliminary Approval of Proposed Settlement.**

20 The Court preliminarily finds that the Settlement of the Action, on the terms
21 and conditions set forth in the Agreement and the exhibit thereto, fundamentally fair,
22 reasonable, adequate, and in the best interests of the Class Members taking into
23 consideration (a) benefits to Class Members; (b) the strength and weaknesses of
24 Plaintiffs’ case; (c) the complexity, expense and probable duration of further
25 litigation; and (d) the risk and delay inherent in possible appeals.

26 The Court finds that website notice of the Settlement should be given to
27 persons in the Class and a full hearing should be held for final approval of the
28 Settlement. The provisions of the Settlement Agreement are preliminarily approved,

1 and the Parties shall comply with each of its terms.

2 **3. Settlement Administration.**

3 The Court approves notice of the Settlement to be given by a website hosted
4 by Class Counsel, Bursor & Fisher, P.A., for a period of not less than 30 days, from
5 May 20, 2024 to June 19, 2024. Class Counsel will administer the applicable
6 provisions of the Agreement in accordance with its terms, including, but not limited
7 to (a) providing the Class Notice on the website, and (b) receiving and examining
8 objections.

9 **4. Class Action Fairness Act.**

10 The Settlement is not binding on any Class members and therefore is not a
11 “proposed settlement” under the Class Action Fairness Act, 28 U.S.C. § 1711(6).
12 No written notice of the proposed Settlement on the U.S. Attorney General or any
13 California state official is required under 28 U.S.C. § 1715.

14 **5. Class Members.**

15 Pursuant to Fed. R. Civ. P. 23(c)(4), and as it applies to the certified issues
16 Class only, Rule 23(b)(3), the certification of the Action is confirmed for settlement
17 purposes as an issues class action on behalf of the following Class Members:

18 All persons in California—except for persons who enrolled in Marriott’s
19 “Bonvoy” rewards program on or after April 24, 2015—who reserved or booked a
20 Marriott managed or franchised hotel room online through the Marriott.com website
21 or Marriott mobile app and who paid a resort fee, destination fee, amenity fee, or
22 destination amenity fee on or after September 9, 2015 and until the Class was
23 certified on March 30, 2023 excluding Defendant and Defendant’s officers,
24 directors, employees, agents and affiliates, the Court and its staff, and attorneys
25 appearing in this action.

26 Excluded from the Class are the Judges to whom the Action has been assigned
27 and any member of the Judges’ staffs and immediate families.

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1 **6. Class Representatives and Class Counsel Appointments.**

2 For purposes of the Court considering preliminary approval, the Court
3 confirms its appointment of Plaintiffs as the Class Representatives and Bursor &
4 Fisher, P.A., the Law Offices of Ronald A. Marron, APLC, and the Law Office of
5 Robert L. Teel as Class Counsel.

6 **7. Provision of Website Notice.**

7 The Court approves the form, content and method of notice set forth in the
8 Agreement. Class Counsel shall provide notice by a Settlement website.

9 On or before Monday, May 20, 2024, Class Counsel, Bursor & Fisher, P.A.,
10 shall establish the Settlement and Notice website. The Settlement website shall
11 contain the full details of the Settlement. The rights and claims of Class Members
12 with respect to the issues raised in this Action will be determined by the Court's final
13 Order approving the Settlement of this Action, the Judgment, and by the other
14 rulings in the Action. With their motion for Final Settlement Approval, Class
15 Counsel shall file a declaration detailing their compliance with the notice procedures
16 set forth in the Agreement.

17 **8. Settlement Process.**

18 The Court preliminarily approves the Settlement as fair, reasonable, and
19 adequate for members of the Class and preliminarily approves the process set forth
20 in the Agreement for the change in Defendant's business practices. The Defendant
21 shall institute the changes to its business practices within the time frame set forth in
22 the Agreement.

23 **9. Confirmation of Class Certification.**

24 The Court confirms that the Action satisfies the applicable prerequisites for
25 class action treatment under Fed. R. Civ. P. 23 and preliminarily confirms its
26 certification and approves the issues-only Class for Settlement under Fed. R. Civ. P.
27 23(a), 23(c)(4) and, as it applies to the issues Class only, Rule 23(b)(3).

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1 **10. Objections by Class Members.**

2 Any Class Member may object to the Settlement, including without limitation
3 the change in business practices to be undertaken by Defendant under the Settlement,
4 Class Counsels' application for attorney fees and litigation expenses, and the Class
5 Representatives' service payments by mailing a written objection to Class Counsel,
6 Bursor & Fisher, P.A., asking the Court to deny approval and containing the Class
7 Member's name, address, and telephone number, and a statement that he or she
8 objects to the approval of the Settlement.

9 10.1 The last day for Class Members to submit written objections shall be
10 30 days after the date of this Order granting preliminary approval of the Settlement.
11 Any such objections must be made in accordance with the terms set forth in the Class
12 Notice and will be timely only if postmarked no later than 35 days after the date of
13 this Order granting preliminary approval of this Settlement (the "Objection
14 Deadline").

15 10.2 Any Class Member who wants to appear at the Final Approval Hearing,
16 either personally or through counsel, must so state in his or her objection. The
17 timeliness of objections and notices shall be conclusively determined by the
18 postmark date. Class Counsel shall file with the Court any objections received with
19 the final approval motion papers. The Parties may file with the Court replies to any
20 objections with their motion for final approval.

21 10.3 Class Members appearing through their own attorney are responsible
22 for paying that attorney. All written objections and supporting papers filed with the
23 Court must clearly identify the case name and number, be submitted to the Court
24 either by mailing them to the Court Clerk, United States District Court for the
25 Southern District of California, or by filing them in person in the United States
26 District Court for the Southern District of California, and be filed or postmarked on
27 or before the Objection Deadline. Class Members who do not file their objections
28 in the manner set forth herein will be deemed to have waived all objections.

1 **11. Motion for Final Approval and Application for Attorney Fees and**
2 **Costs and Service Awards.**

3 Class Counsel shall file a motion for final approval of the Settlement, approval
4 of Class Representatives’ service payments, and an application for attorneys’ fees
5 and costs on or before July 3, 2024. The motion for final approval of the Settlement
6 and for attorneys’ fees shall be posted on the Settlement website so that they may be
7 reviewed and printed out by any Class Member or any other person.

8 **12. Final Approval Hearing.**

9 The Court shall conduct a hearing (hereinafter the “Final Approval Hearing”)
10 on July 10, 2024 in Courtroom 4C (Schwanz Building) of the United States District
11 Court for the Southern District of California, 221 West Broadway, San Diego, CA
12 92101. The Final Approval Hearing may be rescheduled or continued by the Court
13 without further notice to the Class Members. The parties may appear via
14 videoconference. At the Final Approval Hearing, the Court will consider:

15 A. whether this Action satisfies the applicable prerequisites for class
16 action treatment for settlement purposes under Fed. R. Civ. P. 23;

17 B. whether the Settlement is fundamentally fair, reasonable, adequate, and
18 in the best interest of the Class Members and should be approved by the Court;

19 C. whether the order granting final approval of class action Settlement and
20 Final Judgment, as provided under the Agreement, should be entered releasing only
21 the Class Representatives claims, and dismissing the Action with prejudice only as
22 to the Class Representatives; and

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1 D. such other issues as the Court deems appropriate.

2 Attendance by the Class Members at the Final Approval Hearing is not
3 necessary. Class Members need not appear at the hearing or take any other action to
4 indicate their approval of the proposed class action Settlement.

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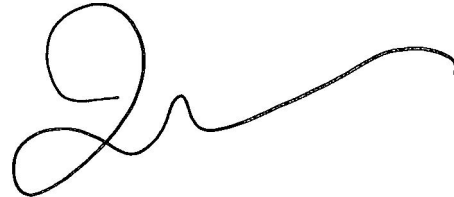
6 **IT IS SO ORDERED.**

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10 DATED: May 17, 2024



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JINSOOK OHTA
United States District Court

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