

ORIGINAL

FAXED

FILED
Superior Court of California
County of Los Angeles

JUL 06 2020

Sherri R. Carter, Executive Officer/Clerk of Court
By Aldwin Lim Deputy

LIDMAN LAW, APC
Scott M. Lidman (SBN 199433)
slidman@lidmanlaw.com
Elizabeth Nguyen (SBN 238571)
enguyen@lidmanlaw.com
Milan Moore (SBN 308095)
mmoore@lidmanlaw.com
2155 Campus Drive, Suite 150
El Segundo, California 90245
Tel: (424) 322-4772
Fax: (424) 322-4775

Attorneys for Plaintiff
LAZARO BOR

HAINES LAW GROUP, APC
Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiff
LAZARO BOR

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

LOZARO BOR, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

ALEXANDER ANDREW, INC. dba
FALLTECH., a California corporation; and
DOES 1 through 100,

Defendants.

Case No. 19STCV26589

*[Assigned for All Purposes to the Hon.
William F. Highberger, Dept. SSC-10]*

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

Date: June 26, 2020
Time: 10:00 a.m.
Dept.: SSC-10

Complaint Filed: July 31, 2019
Trial Date: None Set

RECEIVED
LOS ANGELES SUPERIOR COURT

JUN 04 2020

I. LOVO

[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

1 The Motion of Plaintiff Lazaro Bor ("Plaintiff") for Preliminary Approval of Class Action
2 Settlement will come on regularly for hearing before this Court on June 26, 2020 at 10:00 a.m. The
3 Court, having considered the proposed Stipulation and Settlement of Class and Representative Action
4 (the "Settlement"), attached as Exhibit A to the Declaration of Scott M. Lidman filed concurrently with
5 the Motion; having considered Plaintiff's Motion for Preliminary Approval of Class Action Settlement,
6 Memorandum of Points and Authorities in support thereof, and supporting declarations filed therewith;
7 and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set forth in
9 the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately
10 could be granted approval by the Court at a Final Fairness Hearing. For purposes of the Settlement,
11 the Court finds that the proposed Settlement Class is ascertainable and that there are a sufficiently well-
12 defined community of interest among the members of the Settlement Class in questions of law and fact.
13 Therefore, for settlement purposes only, the Court grants conditional certification of the following

14 Settlement Class:

15 All current and former non-exempt employees employed by Defendant
16 Alexander Andrew, Inc., dba FallTech in the State of California during the
period of July 31, 2015 through June 26, 2020 ~~or the date of Preliminary~~
~~Approval of this Settlement, whichever occurs sooner.~~

17 2. The Proposed First Amended Complaint attached to the Settlement as Exhibit 2 hereby
18 approved and shall be filed by Plaintiff within five (5) court days of this Order being signed by the Court.
19

20 3. For purposes of the Settlement, the Court designates named Plaintiff Lazaro Bor as Class
21 Representative, and Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC and
22 Paul Haines of Haines Law Group, APC as Class Counsel.

23 4. The Court designates CPT Group, Inc. as the third-party Settlement Administrator for
24 mailing notices.

25 5. The Court approves, as to form and content, the proposed Legal Notice, which is attached
26 to the Settlement as Exhibit 1. *Joint Stipulation filed 7/6/2020*

27 6. The Court finds that the form of notice to the Settlement Class regarding the pendency of
28 the action and of the Settlement, and the methods of giving notice to members of the Settlement Class,

1 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient
2 notice to all members of the Settlement Class. The form and method of giving notice complies fully
3 with the requirements of California Code of Civil Procedure section 382, California Civil Code section
4 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and
5 other applicable law.

6 7. The Court further approves the procedures for Settlement Class Members to opt out of or
7 object to the Settlement, as set forth in the Class Notice.

8 8. The procedures and requirements for filing objections in connection with the Final
9 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
10 presentation of any Settlement Class Member's objection to the Settlement, in accordance with the due
11 process rights of all Settlement Class Members.

12 9. The Court directs the Settlement Administrator to mail the Notice Packet to the members
13 of the Settlement Class in accordance with the terms of the Settlement.

14 10. The Class Notice shall provide at least 60 calendar days' notice for members of the
15 Settlement Class to opt out of, or object to, the Settlement.

16 11. The Final Fairness Hearing on the question of whether the Settlement should be finally
17 approved as fair, reasonable, and adequate is scheduled in Department SSC-10 of this Court, located at
18 312 N. Spring Street, Los Angeles, California 90012 on Nov. 4, 2020 at 11 a.m. /
19 2 p.m.

20 12. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should
21 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment
22 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for
23 reasonable attorneys' fees, reimbursement of litigation expenses, enhancement payment to Plaintiff, and
24 payment to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor
25 Code Private Attorneys General Act ("PAGA") should be granted.

26 13. Counsel for the parties shall file memoranda, declarations, or other statements and
27 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
28 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA for

PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

14. An implementation schedule is below:

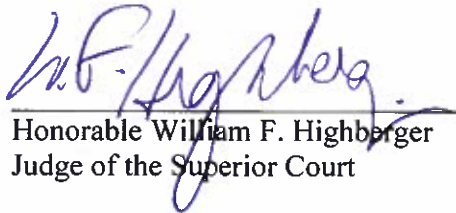
Event	Date	Actual Date ¹
Defendant to provide Class Data to Settlement Administrator	14 calendar days after issuance of the preliminary approval order	July 16, 2020 20
Settlement Administrator to mail Notice Packets to Class Members	7 calendar days after receiving Class Information from Defendant	July 17, 2020 27
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	60 calendar days after mailing of the Notice by the Settlement Administrator	September 15, 2020 25
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	C	Oct. 9, 2020
Final Fairness Hearing:	Nov. 4, 2020	11 am

15. Pending the Final Fairness Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

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

IT IS SO ORDERED.

Dated: 7/6, 2020


Honorable William F. Highberger
Judge of the Superior Court

¹ These dates are based on the Court granting preliminary approval at the hearing, currently noticed for June 26, 2020.