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and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

BYRON HIGUERA, on behalf of himself
and a class of similarly situated employees,

Plaintiffs,

v.

INTERNATIONAL BONDED
COURIERS, INC., a Florida corporation,
and DOES 1 through 10, inclusive,

Defendants.

CASE NO: STK-CV-UOE-2020-8988

*Assigned to the Honorable George J. Abdallah,
Dept. 10A*

CLASS ACTION

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

**DATE: December 29, 2020;
December 30, 2020;
December 31, 2020;
January 5, 2021; or
January 7, 2021**

**TIME: 9:00 a.m.
DEPT.: 10A**

Action Filed: October 23, 2020

Plaintiff Byron Higuera's ("Higuera" or "Plaintiff") motion for preliminary approval of class action settlement came on for hearing before this Court in Department 10A, Judge George J. Abdallah presiding, on _____, 2020. The Court, having considered the papers submitted in

1 support of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE**
2 **FOLLOWING:**

3 1. The Court grants preliminary approval of the settlement based upon the terms set
4 forth in the Settlement Agreement and Release of Claims ("Settlement Agreement") filed with the
5 Court. The settlement appears to be fair, adequate, and reasonable to the class;

6 2. The settlement falls within the range of reasonableness and appears to be
7 presumptively valid, subject only to any objections that may be raised at the final hearing;

8 3. The Court approves, as to form and content, the Notice of Pendency of Class Action
9 Settlement and Final Hearing ("Notice") and the Request for Exclusion Form;

10 4. The Court directs the mailing of the Notice and Request for Exclusion Form by first
11 class mail to the Settlement Class Members in accordance with the schedule set forth below. The
12 Court finds that the dates selected for the mailing and distribution of the Notice and Request for
13 Exclusion Form, as set forth herein, meet the requirements of due process and provide the best
14 notice practicable under the circumstances and shall constitute due and sufficient notice to all
15 persons entitled thereto;

16 5. It is ordered that the settlement class is preliminarily certified for settlement
17 purposes only. The settlement class is defined as follows: all current and former non-exempt
18 California employees of Defendant International Bonded Couriers, Inc. employed from January 27,
19 2016 through October 31, 2020, who have not signed class action waivers.

20 6. The Court confirms Daniel F. Gaines and Alex P. Katofsky of Gaines & Gaines,
21 APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees of up to
22 \$76,000 and documented litigation costs of up to \$5,000 to Class Counsel, subject to final approval
23 by the Court following a further motion by Class Counsel;

24 7. The Court confirms Byron Higuera as the Class Representative and grants
25 preliminary approval to a proposed service payment in an amount not to exceed \$7,500;

26 8. The Court grants preliminary approval of the Private Attorneys General Act
27 payment of \$7,500 to the Labor and Workforce Development Agency;

1 9. The Court hereby approves Simpluris, Inc. as the Settlement Administrator and
2 grants preliminary approval of the payment of fees and other charges of the Settlement
3 Administrator in an amount not to exceed \$6,000; and

4 10. The Court orders the following schedule of dates for the specified actions/further
5 proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator list of all Class Members, including their last known addresses, telephone numbers, social security numbers , and their dates of employment in California during the Class Period ("Settlement Class Information")	15 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Request for Exclusion Form to Class Members	14 calendar days after Settlement Administrator's receipt of the Settlement Class Information
Last day for Class Members to submit a written Request for Exclusion Form to Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Members to submit an Objection to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	10 calendar days before the final settlement approval hearing date
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days prior to the final settlement approval hearing date
Final settlement approval hearing	_____, 2021, at _____. [approximately 90 calendar days after entry of this Order]

25
26 Dated: _____

JUDGE OF THE SUPERIOR COURT