

SEP 19 2023

Jake Chatters
Executive Officer & Clerk
By: N. O'Connell, Deputy
NOC

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER

MICHAEL TEBBS, ET AL.,
Plaintiffs,
v.
SUNBELT RENTALS, INC.,
Defendant.

Case No.: S-CV-0044313

RULING ON SUBMITTED MATTER

Plaintiffs move for preliminary approval of class action settlement. Initially scheduled for hearing on August 22, 2023, the motion was continued at the request of the parties. The parties thereafter filed an amendment to the class and PAGA action settlement agreement. On September 12, 2023, in Department 42 of the above-entitled court, the motion came on for continued hearing. Appearances are as stated in the minutes. The court heard oral argument, wherein the parties indicated they had submitting a second amendment to the class and PAGA action settlement agreement. The court took the motion under submission. The court has considered all briefing in this matter including both amendments to the settlement agreement and oral argument of counsel, and rules as follows:

1 Motion for Preliminary Approval of Class Action Settlement

2 The court has broad discretion in determining whether a class action
3 settlement is (1) fair and reasonable, (2) the class notice is adequate, and
4 (3) certification of the class is proper. (*In re Cellphone Fee Termination*
5 *Cases* (2010) 186 Cal.App.4th 1380, 1389.) Further, the court reviews the
6 moving papers along with the entirety of the court file to determine that the
7 settlement is genuine, meaningful, and consistent with the underlying
8 purposes of the PAGA-related statute. (Lab. Code, § 2699(I); *O'Connor v.*
9 *Uber Technologies, Inc.* (N.D. Cal. 2016) 201 F.Supp.3d 1110.) The court
10 must also determine whether the PAGA settlement appears fundamentally
11 fair, reasonable, and adequate. (*Ibid.*) The court has carefully reviewed and
12 considered the class action and PAGA settlement agreement, the
13 amendment and second amendment thereto, and plaintiffs' moving papers
14 filed in connection with the motion. After the amendments, the court
15 determines a sufficient showing has been made that the settlement
16 agreement is fair, reasonable, genuine, meaningful, and consistent with the
17 purpose of PAGA.

18 For the purposes of the settlement, the court hereby certifies the
19 class as all current and former non-exempt employees of Sunbelt in
20 California who were paid overtime and/or double-time wages and/or meal
21 premium wages covered by any work week in which they also received "On
22 Call Earn" pay (as denoted on an employee's paystub) at any time from
23 January 13, 2016 through February 5, 2023 (the "Class Period").

24 The court preliminarily approves the class action and PAGA action
25 settlement agreement and the amendment and second amendment thereto
26 respectively filed June 20, 2023, August 21, 2023, and September 11,
27 2023. The court also approves the proposed form of the notice.

28 The court appoints and designates plaintiffs Michael Tebbs and Paul

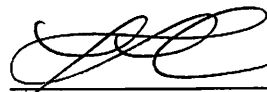
1 Parker as class representatives. The court appoints and designates Larry W.
2 Lee of Diversity Law Group, P.C., Dennis S. Hyun of Hyun Legal, APC,
3 Edward W. Choi of Law Offices of Choi and Associates, APLC, and William L.
4 Marder of Polaris Law Group as class counsel for the class. The court
5 appoints and designates Phoenix Class Administrators as the settlement
6 administrator.

7 The court also incorporates by reference all findings and orders set
8 forth in the Proposed Order submitted in connection with the instant
9 motion.

10 The court schedules a final approval hearing **January 9, 2024 at**
11 **8:30 a.m. in Department 42.**

12 IT IS SO ORDERED.

13
14 DATED: 9/19/23



Honorable Trisha J. Hirashima
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF PLACER

CLERK'S CERTIFICATE OF MAILING (C.C.P. § 1013a(4))

Case no.: S-CV-0044313

Case name: Tebbs, Michael vs. Sunbelt Rentals Inc.

I, the undersigned, certify that I am the clerk of the Superior Court of California, County of Placer, and I am not a party to this action.

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Ruling on Submitted Matter

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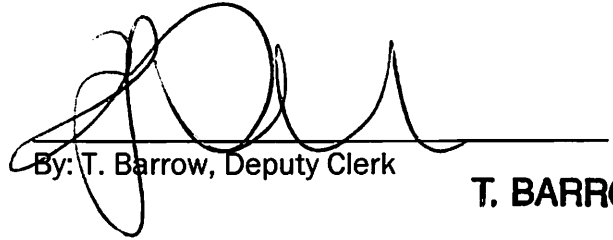
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Dated: 9/21/2023

Jake Chatters
Clerk of the Placer County Superior Court

A handwritten signature in black ink, appearing to be 'T. Barrow', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke at the end.

T. BARROW