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on behalf of himself and all others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

EDUARDO RIVERA, on behalf of himself and
all others similarly situated

Plaintiff,

vs.

ALLCOM ELECTRIC, INC. a California
Corporation, and DOES 1 through 50, inclusive.

Defendant.

Case No. 30-2020-01123366-CU-OE-CXC
ASSIGNED FOR ALL PURPOSES TO:
JUDGE: Hon. Peter Wilson
DEPT: CX102

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

1 WHEREAS, this action is pending before this Court as a putative class action (the
2 “Action”); and

3 WHEREAS, Plaintiffs, through an unopposed motion for preliminary approval, has
4 applied to this Court for an order preliminarily approving the settlement of the Action in
5 accordance with the Joint Stipulation of Class and PAGA Settlement and Release of Claims
6 (hereinafter “Settlement Agreement”), and any exhibit annexed thereto, which sets forth the
7 terms and conditions for a proposed settlement and final resolution of the Action upon the terms
8 and conditions set forth therein; and the Court having read and considered the Settlement
9 Agreement and the exhibit annexed thereto;

10 NOW, THEREFORE, IT IS HEREBY ORDERED:

11 1. This Order incorporates by reference the definitions in the final version of the
12 Settlement Agreement which has been filed with the Court and all terms defined therein shall
13 have the same meaning in this Order as set forth in the Settlement Agreement;

14 2. The Court hereby conditionally certifies the Class for settlement purposes only.
15 For the purposes of this settlement, the Class is defined as: all persons who are or were employed
16 by Defendant as non-exempt, hourly-paid employees in California from January 13, 2016
17 through preliminary approval (the “Class Period”). Should for whatever reason the Settlement
18 not become final, the fact that the Parties were willing to stipulate to class certification as part of
19 the Settlement shall have no bearing on, nor be admissible in connection with, the issue of
20 whether a class should be certified in a non-settlement context;

21 3. The Court hereby authorizes the retention of Simpluris as Settlement
22 Administrator for the purpose of this Settlement;

23 4. The Court hereby conditionally finds that James R. Hawkins and Isandra
24 Fernandez of the law firm of James Hawkins, APLC may act as counsel for the Class. The Court
25 further conditionally finds that Plaintiffs Jesus Diaz and Hector Garcia may act as the class
26 representative for the Class;

27 5. The Court hereby preliminarily APPROVES the proposed Notice of Proposed
28 Class Action Settlement (attached as Exhibit A to the Settlement Agreement). The Court further

1 finds that the Class Notice appears to fully and accurately inform the Class Members of all
2 material elements of the proposed Settlement Agreement, of the Class Members' right to be
3 excluded from the Class, and of each Class Member's right and opportunity to object to the
4 Settlement. The Class Notice shall be mailed to the Class Members as set forth in the
5 Settlement Agreement;

6 6. The Court finds on a preliminary basis that the Settlement Agreement appears to
7 be within the range of reasonableness of a settlement that could ultimately be given final
8 approval by this Court. It appears to the Court on a preliminary basis that the settlement amount
9 is fair, adequate and reasonable as to all potential Class Members when balanced against the
10 probable outcome of further litigation relating to liability and damages issues. It further appears
11 that investigation and research have been conducted such that counsel for the Parties, at this time,
12 are able to reasonably evaluate their respective positions. It further appears to the Court that
13 settlement at this time will avoid substantial additional costs by all Parties, as well as avoid the
14 delay and risks that would be presented by the further prosecution of the Action. It further
15 appears that the Settlement has been reached as the result of serious and non-collusive, arms-
16 length negotiations;

17 7. The Court orders the following implementation schedule for further proceedings:

19 Preliminary approval order.	
20 Deadline for Defendants to provide the 21 Class List to the Settlement Administrator.	_____ (within fourteen (14) calendar days after Court Grants 22 Preliminary Approval).
23 Mail notices to Settlement Class Members.	_____ (within fourteen (14) 24 calendar days after Settlement 25 Administrator Receives Class List from 26 Defendant).

Deadline for postmark by registered mail of any Request for Exclusion.	_____ (forty five (45) days after Settlement Administrator first mails Notice of Class Settlement to Settlement Class Members).
Deadline for receipt by the Settlement Administrator of any objections to the Settlement.	_____ (forty five (45) days after Settlement Administrator first mails Notice of Class Settlement to Settlement Class Members).
Deadline for Class Counsel to file Motion for Final Approval of Settlement.	_____ 2022
Final Fairness and Final Approval Hearing.	_____ 2022 at

IT IS SO ORDERED.

Dated: _____

Hon. Peter Wilson
Judge of the Orange County Superior Court