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Attorneys for Plaintiff Elena Punty
and Proposed Class Counsel

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

ELENA PUNTY, on behalf of herself and
all "aggrieved employees" pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

HOSKINS & MUIR, INC., a California
corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: RG20064854

Assigned to the Hon. James Reilly, Dept. 25

**[PROPOSED] ORDER (1) GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND (2)
GRANTING LEAVE TO FILE FIRST
AMENDED COMPLAINT**

Date: August 18, 2021

Time: 9:00 a.m.

Dept.: 25

Reservation # R-2265687

Complaint Filed: June 15, 2020

1 Plaintiff Elena Punty's motion for preliminary approval of class and representative action
2 settlement and leave to file a First Amended Complaint came on for hearing before this Court in
3 Department 25, Judge James Reilly presiding, on August 18, 2021. The Court, having considered
4 the papers submitted in support of the motion and having heard oral argument of the parties,
5 **HEREBY ORDERS THE FOLLOWING:**

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

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

11 3. The Court approves, as to form and content, the Notice of Pendency of Class Action
12 Settlement and Final Hearing ("Notice"), attached as Exhibit 1 to the Settlement Agreement, and
13 Request for Exclusion Form ("Exclusion Form"), attached as Exhibit 2 to the Settlement
14 Agreement;

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

20 5. It is ordered that the Class is preliminarily certified for settlement purposes only.
21 The Class is defined as follows: "all persons who are or were employed by Defendant Hoskin &
22 Muir, Inc. as non-exempt hourly employees in the State of California at any time from June 15,
23 2016 to March 25, 2021";

24 6. The Court confirms Daniel F. Gaines and Alex P. Katofsky of Gaines & Gaines,
25 APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees of not more
26 than \$100,000 and documented litigation costs of up to \$12,500 to Class Counsel, subject to final
27 approval by the Court following a further motion by Class Counsel;

7. The Court confirms Elena Punty as the Class Representative and grants preliminary approval to a Class and PAGA Representative's Incentive Award not to exceed \$10,000 for her service in the Action;

8. The Court grants preliminary approval of the Private Attorneys General Act payment of \$22,500 to the Labor and Workforce Development Agency;

9. The Court hereby approves ILYM Group, Inc. as the Settlement Administrator and grants preliminary approval of the payment of fees and other charges of the Settlement Administrator in an amount not to exceed \$5,000;

10. The Court grants Plaintiff leave to file the First Amended Complaint attached as **Exhibit 3** to the Settlement Agreement, within five (5) court days of the entry of this Order; and

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, Social Security numbers, and their total weeks worked in California during the Class Period during which they received compensation ("Settlement Class Information")	14 calendar days after entry of Court's Order granting preliminary approval of the Settlement Agreement
Last day for Settlement Administrator to mail Notice to Class Members	21 calendar days after entry of Court's Order granting preliminary approval of the Settlement Agreement
Last day for exclusion requests by Class Members to be postmarked to Settlement Administrator	60 calendar days after mailing of Class Notice
Last day for written objections to the settlement by Class Members to be postmarked to Settlement Administrator	60 calendar days after mailing of Class Notice
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

<u>EVENT</u>	<u>TIMING</u>
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 95 calendar days after entry of this Order]

Dated: _____, 2021

JUDGE OF THE SUPERIOR COURT