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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

ALFREDO AVINA, an individual, on
behalf of himself and all others similarly
situated,

Plaintiff,

vs.

RAVCO CONSTRUCTION, INC., a
California Corporation; and DOES 1
through 20, inclusive;

Defendants.

Case No. **30-2020-01146748-CU-OE-CXC**

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

1 The Court, having considered the papers submitted in support of Plaintiff's unopposed
2 Motion for Preliminary Approval of a Class Action Settlement of the parties, HEREBY
3 ORDERS THE FOLLOWING:

4 1. The Court grants preliminary approval of the Settlement and the Settlement Class
5 based upon the terms set forth in the Joint Stipulation of Settlement and Release of Class Action,
6 register of actions number 41, attached as **Exhibit A** to the Declaration of Jonathan Melmed in
7 support of Plaintiff's Motion for Order Granting Preliminary Approval of Class Action
8 Settlement and the Amendment To Joint Stipulation of Settlement and Release of Class Action
9 register of actions number 75, attached as **Exhibit 2** to the Second Supplemental Declaration of
10 Jonathan Melmed in support of Motion for Order Granting Preliminary Approval of Class
11 Action Settlement (collectively referred to as the "Settlement Agreement"). All terms used
12 herein shall have the same meaning as defined in the Settlement Agreement. The settlement set
13 forth in the Settlement Agreement appears to be fair, adequate and reasonable to the Class, and
14 the Court preliminarily approves the terms of the Settlement Agreement, including, without
15 limitation:

- 16 a. A non-reversionary Gross Settlement Amount of **\$465,000.00**;
- 17 b. ~~The Class Representative enhancement payment to the named Plaintiff of~~
18 **\$7,500.00**;
- 19 c. ~~Court approved attorneys' fees to Class Counsel of up to \$155,000.00,~~
20 ~~representing one third of the Gross Settlement Amount;~~
- 21 d. ~~Court approved litigation costs to Class Counsel of up to \$12,500.00;~~
- 22 e. Fees and Costs of the Settlement Administrator of up to **\$10,000.00**; and
- 23 f. A PAGA allocation of \$10,000.00, with **\$7,500.00** (i.e., 75%) payable to the
24 California Labor & Workforce Development Agency for its portion of the
25 PAGA penalties.

26 2. This Court has considered the papers in support of the Motion and the Settlement
27 Agreement and preliminarily finds that, pursuant to C.R.C. Rule 3.769(d), the proposed Class
28 should be certified for settlement purposes only. Specifically, the Court preliminarily finds for

1 settlement purposes only that the proposed Class: (a) is ascertainable; (b) is sufficiently
2 numerous; (c) meets the commonality requirements; (d) the claims of the Class Representatives
3 are typical of the claims of the proposed Class Members; (e) Class Representatives' counsel has
4 and is able to adequately represent the proposed Class; (f) the Class Representative is adequate to
5 represent the Class; and (g) class-wide treatment of this dispute is superior to individual litigation
6 because common issues predominate over individual issues for settlement purposes.

7 3. The Court preliminarily finds that the Settlement falls within the range of
8 reasonableness and appears to be presumptively valid, subject only to any objections that may be
9 raised at the Final Approval Hearing and by this Court.

10 4. A Final Approval Hearing on the question of whether the proposed Settlement,
11 attorneys' fees and costs to Class Counsel, and the Class Representative's enhancement award
12 should be finally approved as fair, reasonable and adequate as to the members of the Class is
13 scheduled on the date and time set forth in the implementation schedule in Paragraph 14 below.

14 5. This Court approves, as to form and content, the Notice of Proposed Class Action
15 Settlement and Hearing Date for Court Approval ("Class Notice"), in substantially the form
16 attached to the herein as **Exhibit 1**. The Court approves the procedure for Class Members to
17 participate in, to opt out of, and to object to, the Settlement as set forth in the Settlement
18 Agreement.

19 6. The Court directs the mailing of the Class Notice by first class mail to the Class
20 Members in accordance with the Implementation Schedule set forth below. The Court finds the
21 dates selected for the mailing and distribution of the Notice, as set forth in the Implementation
22 Schedule, meet the requirements of due process and provide the best notice practicable under the
23 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

24 7. Deadlines pertaining to written objections, requests for exclusion, and workweek
25 disputes may be extended by the Court for good cause.

26 8. It is ordered that the Settlement Class is preliminarily certified for settlement
27 purposes only.

28 9. The Court preliminary certifies for settlement purposes only the Settlement

Classes defined as follows: *all California residents who are or were employed by Defendant (i) as hourly, non-exempt employees from July 6, 2016 through December 14, 2020, or (ii) are or were paid in whole or in part on a piece-rate basis from July 6, 2016 through December 14, 2020. See Settlement Agreement, at §I, 5. The Class Period is defined as July 6, 2016 through December 14, 2020. See Settlement Agreement, at §I, 11.*

10. All Settlement Class members who do not timely opt out will release those claims alleged in the Complaint, including claims under California Labor Code §§ 201, 202, 203, 204, 210, 226, 226.2, 226.3, 226.7, 246, 510, 1174, 1174.5, 1194, 1194.2, 1197, 2802, IWC Wage Order No. 16, UCL violations pursuant to Cal. Bus. & Prof. Code §17200 based on the foregoing, and statutory penalties based on the foregoing under California's Private Attorney Generals Act ("PAGA") (Labor Code §§ 2698-2699.5) through the Class Period. No other claims are released other than those claims specifically pled in the Complaint.

11. The Court confirms Plaintiff Alfredo Avina as Class Representative, and Jonathan Melmed of Melmed Law Group P.C. as Class Counsel.

12. The Court appoints ILYM Group, Inc. as the Settlement Administrator.

13. To facilitate administration of the Settlement pending final approval, the Court hereby enjoins Plaintiff ~~and all Class Members~~ from filing or prosecuting any claims, suits or administrative proceedings (including filing claims with the Division of Labor Standards Enforcement of the California Department of Industrial Relations) regarding claims released by the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with the Settlement Administrator and the time for filing claims with the Settlement Administrator has elapsed.

14. The Court orders the following **Implementation Schedule** for further proceedings:

a.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator	December 22, 2021 [or within 14 days after the Preliminary Approval Date]
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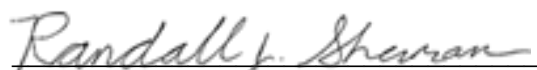
b.	Deadline for Settlement Administrator to Mail Notice to Class Members	January 5, 2022 [or within 14 days after receiving the Class Member Information from Defendant]
c.	Deadline for Class Members to Postmark Requests for Exclusion	March 6, 2022 [or 60 days after mailing of the Class Notice]
d.	Deadline for Class Members to submit any Objections to Settlement	March 6, 2022 [or 60 days after mailing of the Class Notice]
e.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	March 3, 2022 [or 30 Court days prior to Final Approval and Fairness Hearing]
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	March 23, 2022 [or 16 Court days prior to Final Approval and Fairness Hearing]
g.	Final Approval and Fairness Hearing	April 15, 2022 at 10:00 a.m.

15. If any of the dates in this Implementation Schedule falls on a weekend, bank or court holiday, the time to act shall be extended to the next business day.

16. The Court shall retain jurisdiction over the Action for all purposes pursuant to California Rule of Court 3.769 and California Code of Civil Procedure §664.6 to enforce the terms of the Settlement.

IT IS SO ORDERED.

Dated: **December 10, 2021**



Hon. Randall J. Sherman
Judge of the Superior Court, Orange County