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Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – POMONA COURTHOUSE SOUTH

SAL ROJAS, on behalf of himself, all
similarly situated Class Members, and all
“aggrieved employees” pursuant to Labor
Code § 2698 et seq.,

Plaintiffs,

v.

THE PRECISION COIL SPRING
COMPANY, a California corporation, and
DOES 1 through 10, inclusive,

Defendants.

CASE NO: 20PSCV00430

Assigned to the Hon. Peter A. Hernandez, Dept. O

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

DATE: November 30, 2021

TIME: 9:30 a.m.

DEPT.: O

Reservation No.: 192346078016

Action Filed: July 2, 2020

1 Plaintiff Sal Rojas' ("Plaintiff") Unopposed Motion for Preliminary Approval of Class
2 Action Settlement and for Leave to File First Amended Complaint came on for hearing before this
3 Court in Department O, Judge Peter A. Hernandez presiding, on November 30, 2021. The Court,
4 having considered the papers submitted in support of the motion and having heard oral argument
5 of the parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Joint Stipulation of Class Action Settlement and Release Between Plaintiff and
8 Defendant ("Stipulation") filed with the Court. The settlement appears to be fair, adequate, and
9 reasonable to the Class;

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

13 3. The Court approves, as to form and content, the Notice of Class Action Settlement
14 ("Notice") and the Request for Exclusion form, and also approves the procedure for members of
15 the Class to object to the settlement set forth in the Notice;

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

22 5. It is ordered that the Settlement Class is preliminarily certified for settlement
23 purposes only. The Settlement Class is defined as follows: all of Defendant's non-exempt
24 employees who worked in California during the Class Period (July 2, 2016 through the earlier of
25 March 31, 2022 or the date Preliminary Approval is granted);

26 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
27 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
28 of up to one-third of the Gross Settlement Amount (\$280,000) and documented litigation costs of

up to \$15,000 to Class Counsel, subject to final approval by the Court following a further motion by Class Counsel;

7. The Court approves and appoints Plaintiff Sal Rojas as the Class Representative and grants preliminary approval to a proposed service payment in an amount not to exceed \$12,000;

8. The Court grants preliminary approval of the allocation of \$80,000 to penalties under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$60,000) shall be paid to the LWDA and 25% (\$20,000) shall be paid to PAGA Aggrieved Employees;

9. The Court hereby approves and appoints 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 \$6,000;

10. The Court grants Plaintiff leave to file the First Amended Class and Representative Action Complaint attached as Exhibit 3 to the Stipulation, within five (5) court days of the entry of this Order, and consents that Defendant is not required to file a responsive pleading thereto;

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 to the Settlement Administrator a list in Microsoft Excel format containing each Settlement Class Member's (i) full name, (ii) last known address, (iii) Social Security Number, and (iv) dates worked for Defendant in California during the Class Period as a non-exempt employee ("Class List")	14 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 the Settlement Administrator's receipt of the Class List
Last day for Class Members to submit a written Request for Exclusion form to the Settlement Administrator	60 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	60 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

<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 before the final settlement approval hearing date
Final settlement approval hearing	_____, 2022, at _____.m. (approximately 100 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT