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Attorneys for Plaintiff George Padilla and Proposed Class Counsel

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

GEORGE PADILLA, on behalf of himself
and all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

SMITH CHEVROLET CO., INC. dba
SMITH COLLISION CENTER, a
California corporation, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: CV-20-002683

Assigned to the Hon. Sonny S. Sandhu, Dept. 24

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

Date: April 6, 2021

Time: 8:30 a.m.

Dept.: 24

Complaint Filed: June 17, 2020

Plaintiff’s motion for preliminary approval of class action settlement and for leave to file a Second Amended Complaint came on for hearing before this Court in Department 24, Judge Sonny S. Sandhu presiding, on April 6, 2021. The Court, having considered the papers submitted in support of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

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

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

3 3. The Court approves, as to form and content, the Notice of Pendency of Class Action
4 Settlement and Final Hearing (“Notice”), attached as Exhibit “1” to the Settlement Agreement; and
5 the Request for Exclusion Form, attached as Exhibit “2” to the Settlement Agreement.

6 4. The Court directs the mailing of the Notice and the Request for Exclusion Form by
7 first class mail to the members of the Settlement Class in accordance with the schedule set forth
8 below. The Court finds that the dates selected for the mailing and distribution of the Notice and
9 the Request for Exclusion Form, as set forth herein, meet the requirements of due process and
10 provide the best notice practicable under the circumstances and shall constitute due and sufficient
11 notice to all persons entitled thereto;

12 5. It is ordered that the settlement class is preliminarily certified for settlement
13 purposes only. The settlement class is defined as follows: All current and former non-exempt
14 California employees of Defendant employed from June 17, 2016 through December 31, 2020.

15 6. The Court confirms Daniel F. Gaines, Esq. and Alex P. Katofsky, Esq. of Gaines &
16 Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys’ fees of
17 up to \$80,000 and documented litigation costs of up to \$3,000 to Class Counsel, subject to final
18 approval by the Court following a further motion by Class Counsel.

19 7. The Court confirms George Padilla as the Class Representative and grants
20 preliminary approval to a proposed service payment in an amount not to exceed \$5,000, subject to
21 final approval by the Court following a further motion by Class Counsel.

22 8. The Court grants preliminary approval of the Private Attorneys General Act
23 payment of \$3,750 to the Labor and Workforce Development Agency;

24 9. The Court hereby approves Phoenix Settlement Administrators as the settlement
25 administrator and grants preliminary approval of the payment of fees and other charges of the
26 settlement administrator in an amount not to exceed \$5,000;

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

no responsive pleading required by Defendant so long as the settlement approval process is pending; 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 to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and their dates of employment in a non-exempt position in California during the Class Period ("Settlement Class Information")	10 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Exclusion Form to Settlement Class Members	14 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Exclusion Forms from the settlement by Settlement Class Members to be postmarked to Settlement Administrator	45 calendar days after mailing of Class Notice
Last day for written objections to the settlement by Settlement Class Members to be postmarked to Settlement Administrator	45 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
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 80 calendar days after entry of this Order]

Dated: _____, 2021

JUDGE OF THE SUPERIOR COURT