

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 286462 NAME: Fletcher W. Schmidt FIRM NAME: Haines Law Group, APC STREET ADDRESS: CITY: 2155 Campus Drive, Suite 180 STATE: CA ZIP CODE: 90245 TELEPHONE NO.: (424) 292-2350 FAX NO.: (424) 292-2355 E-MAIL ADDRESS: fschmidt@haineslawgroup.com ATTORNEY FOR (name): Plaintiff Edith Gutierrez	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Orange County STREET ADDRESS: 751 W. Santa Ana Blvd. MAILING ADDRESS: same CITY AND ZIP CODE: Santa Ana, CA 92701 BRANCH NAME: Civil Complex Center	
PLAINTIFF/PETITIONER: Edith Gutierrez DEFENDANT/RESPONDENT: Deltronic Corporation OTHER:	CASE NUMBER: 30-2020-01139890-CU-OE-CXC
PROPOSED ORDER (COVER SHEET)	JUDICIAL OFFICER: Glenda Sanders DEPT: CX101

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Edith Gutierrez

2. Title of the proposed order:
[Proposed] Order Granting Plaintiff's Motion for Preliminary Approval of Class Action Settlement

3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Hearing on Motion for Preliminary Approval
 - b. Date and time: April 16, 2021, 1:30 p.m.
 - c. Place: 751 W. Santa Ana Blvd.
Santa Ana, CA 92701

4. The proposed order was served on the other parties in the case.

Fletcher W. Schmidt

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:

Edith Gutierrez vs. Deltronic Corporation

CASE NUMBER:

30-2020-01139890-CU-OE-CXC

PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):

b. My electronic service address is (*specify*):

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):

b. To (*electronic service address of person served*):

c. On (*date*):

☐ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

 (TYPE OR PRINT NAME OF DECLARANT)

_____
 (SIGNATURE OF DECLARANT)

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Attorneys for Plaintiff

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

EDITH GUTIERREZ, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

DELTRONIC CORPORATION, a
California corporation; and DOES 1 through
100,

Defendants.

CASE NO. 30-2020-01139890-CU-OE-CXC

*[Case assigned for all purposes to the Hon.
Glenda Sanders, Dept. CX101]*

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 16, 2021
Time: 1:30 p.m.
Dept.: CX101

Action Filed: April 1, 2020
Trial Date: None Set

1 **[PROPOSED] ORDER**

2 The Motion of Plaintiff Edith Gutierrez (“Plaintiff”) for Preliminary Approval of Class
3 Action Settlement came regularly for hearing before this court on April 16, 2021, at 1:30 p.m.
4 The Court, having considered the proposed Stipulation of Settlement (“Settlement Agreement”
5 or “Settlement”), attached as Exhibit 1 to the Declaration of Fletcher W. Schmidt filed
6 concurrently with the Motion; having considered Plaintiff’s Motion for Preliminary Approval of
7 Class Action Settlement, memorandum of points and authorities in support thereof, and
8 supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE
9 FOLLOWING:

10 1. The Court GRANTS preliminary approval of the class action settlement as set
11 forth in the Settlement Agreement, and finds its terms to be within the range of reasonableness of
12 a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing.

13 2. The Court preliminarily approves the terms of the Settlement Agreement and finds
14 that they fall within the range of approval as fair, adequate and reasonable. Based on a review of
15 the papers submitted by Plaintiff, the Court finds that the Settlement is the result of arms’-length
16 negotiations conducted after Plaintiff and/or Plaintiff’s counsel adequately investigated the claims
17 and became familiar with the strengths and weaknesses of the claims. The assistance of an
18 experienced mediator in the Settlement process supports the Court’s conclusion that the
19 Settlement is non-collusive and reasonable. The Settlement is presumptively valid, subject only
20 to any objections that may be raised pursuant to the terms of the Settlement Agreement.

21 3. For purposes of the Settlement, the Court finds that the proposed Settlement Class
22 is ascertainable and that there is a sufficiently well-defined community of interest among the
23 members of the Settlement Class in questions of law and fact. Therefore, for settlement purposes
24 only, the Court grants conditional certification of the following Settlement Class:

25 All current and former non-exempt employees who worked for Defendant
26 Deltronic Corporation in California from April 1, 2016 to February 15, 2021.

27 4. For purposes of the Settlement, the Court designates named Plaintiff Edith
28 Gutierrez as Class Representative, and designates Fletcher W. Schmidt, Paul K. Haines, and

Alexandra R. McIntosh of Haines Law Group, APC as Class Counsel.

5. The Court designates Phoenix Settlement Administrators as the third-party Settlement Administrator for mailing notices.

6. The Court approves, as to form and content, the Notice of Class Action Settlement (“Class Notice”) and the Notice of Settlement Award (collectively referred to as the “Notice Packet”) attached as Exhibit 2 to the Declaration of Fletcher W. Schmidt.

7. The Court finds that the form of notice to the Settlement Class regarding the pendency of the action and of the Settlement, and the methods of giving notice to Settlement Class Members, constitute the best notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all Settlement Class Members. The form and method of giving notice complies fully with the requirements of California Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

8. The Court further approves the procedures for Settlement Class Members to opt-out of or object to the Settlement, as set forth in the Class Notice and the Settlement Agreement.

9. The procedures and requirements for submitting objections in connection with the Final Approval Hearing are intended to ensure the efficient administration of justice and the orderly presentation of any Settlement Class Member’s objection to the Settlement, in accordance with the due process rights of all Settlement Class Members.

10. The Court directs the Settlement Administrator to mail the Notice Packet to the Settlement Class Members in accordance with the terms of the Settlement.

11. The Class Notice shall provide at least 60 calendar days’ notice for Settlement Class Members to submit disputes, opt-out of, or object to the Settlement.

12. The Final Approval Hearing on the question of whether the Settlement Agreement should be finally approved as fair, reasonable and adequate is scheduled on _____, 2021 at _____ a.m. / p.m. in Department CX101 of this Court, located at 751 W Santa Ana Blvd, Santa Ana, California 92701. The Court reserves the right to continue the date of the Final Approval Hearing without further notice to the Settlement Class

Members. The Court retains jurisdiction to consider all further applications arising out of or in connection with the Settlement Agreement.

13. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement Agreement should be approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for an enhancement payment, settlement administration costs, payment to the California Labor and Workforce Development Agency ("LWDA") for its 75% share of civil penalties under the Private Attorneys General Act ("PAGA"), Labor Code § 2698 *et seq.*, and Class Counsel's attorneys' fees and costs should be granted.

14. Counsel for the parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of the Settlement and Plaintiff's application for an enhancement payment, settlement administration costs, payment to the LWDA for its share of PAGA penalties, and Class Counsel's attorneys' fees and costs prior to the Final Approval Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

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1 15. An implementation schedule is provided below (assuming the Court grants
2 preliminary approval of the Settlement on April 16, 2021):

3 Event	3 Date
4 Defendants to provide class contact information to 5 Settlement Administrator no later than:	April 30, 2021
6 Settlement Administrator to mail the Notice Packet to 7 the Settlement Class Members no later than:	May 14, 2021
8 Deadline for Class Members to submit disputes, 9 request exclusion from, or object to the Settlement:	July 13, 2021
10 Deadline for Plaintiff to file Motion for Final 11 Approval of Class Action Settlement:	At least 16 court days prior to Final Approval Hearing
12 Final Approval Hearing	☐ August 13, 2021 at 1:30 p.m. ☐ _____, 2021 at _____ a.m. / p.m.

15 16. Pending the Final Approval Hearing, all proceedings in this action, other than
16 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
17 Order, are stayed.

18 17. Counsel for the parties are hereby authorized to utilize all reasonable procedures
19 in connection with the administration of the Settlement which are not materially inconsistent with
20 either this Order or the terms of the Settlement.

21 18. In the event the Settlement is not finally approved, or otherwise does not become
22 effective in accordance with the terms of the Settlement, this Order shall be rendered null and
23 void and shall be vacated, and the parties shall revert to their respective positions as of before
24 entering into the Settlement.

25 **IT IS SO ORDERED.**

26
27 Dated: _____, 2021

Honorable Glenda Sanders
Judge of the Superior Court