

1 **ROBERT J. WASSERMANN (SBN: 258538)**

2 rwassermann@mayallaw.com

3 **JOHN P. BRISCOE (SBN: 273690)**

4 jbriscoe@mayallaw.com

5 **MAYALL HURLEY P.C.**

6 **112 S. Church St.**

7 **Lodi, California 95242**

8 **Telephone: (209) 477-3833**

9 **Facsimile: (209) 473-4818**

10 **Attorneys for Plaintiff Juan Caamal and the Putative Class**

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **COUNTY OF MARIN**

13 **JUAN CAAMAL,**

14 **Plaintiff,**

15 **v.**

16 **TRG CA EMPLOYMENT, INC., a**
17 **corporation; TIBURON LODGE CA**
18 **HOTEL MANAGER, LLC, a limited**
19 **liability company; and DOES 1-100,**
20 **inclusive,**

21 **Defendants.**

Case No.: CIV-2001374

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: _____

Time: _____

Courtroom: _____

22 WHEREAS, Plaintiff Juan Caamal (“Plaintiff” or “Caamal”), individually and in his
23 representative capacity, and Defendants TRG CA Employment, Inc. and Tiburon Lodge CA Hotel
24 Manager, LLC (collectively “Defendants”) have reached a proposed settlement of the class claims
25 alleged in the above-captioned action (the “Proposed Settlement”).

26 WHEREAS, Plaintiff has moved the Court for preliminary approval of the proposed
27 Settlement on the terms and conditions set forth in the Class Action Settlement Agreement and
28 Release (“Settlement Agreement”), and for preliminary and conditional class certification;

1 AND NOW, the Court having reviewed and considered the Proposed Settlement, the Motion
2 for Preliminary Approval of Class Action Settlement, the supporting Memorandum of Points and
3 Authorities, the Declaration of John P. Briscoe (with exhibits), and the proposed Notice of Notice of
4 Pendency of Class and Representative Action and Proposed Settlement, IT IS HEREBY ORDERED,
5 ADJUDGED and DECREED as follows:¹

6 1. For purposes of settlement only, the following Proposed Class is preliminarily and
7 conditionally certified:

8 All current and former nonexempt California employees of Defendants within
9 California who worked at least one shift between June 16, 2016 to September 15,
10 2022. (excluding any persons who previously settled any of the claims covered by
11 this Settlement, or any person who submits a timely and valid Request for
12 Exclusion).

13 The Proposed Class is further divided into the following subclasses, which are
14 certified as follows:

- 15 a. The “TRG Subclass” – All hourly-paid, nonexempt employees employed by TRG CA
16 Employment, Inc. in the State of California from June 16, 2016 to September 30,
17 2019.
18 b. The “Tiburon Lodge Subclass” – All other hourly-paid, nonexempt employees
employed by Tiburon Lodge CA Hotel Manager, LLC in the State of California from
August 20, 2019 through September 15, 2022.

19 The Court finds, for purposes of settlement only, that the requirements of California Rules of
20 Court, Rule 3.769 and California Code of Civil Procedure section 382 are satisfied and accordingly
21 certifies the Settlement Class. Specifically, the Court finds: (1) Class Members are too numerous to
22 be joined individually; (2) there are questions of law and fact common to the Settlement Class; (3)
23 the claims of Plaintiff as class representative are typical of the claims of the Class Members; and (4)
24 Plaintiff and Class Counsel will fairly and adequately protect the interests of the Settlement Class.
25 The Court also finds that questions of law or fact common to Class Members predominate over any
26

27 ¹This Order of Preliminary Approval incorporates the terms of the Proposed Settlement and all capitalized terms used
28 herein shall have the meanings defined in the Proposed Settlement.

1 questions affecting only individual members and a class action is superior to other available methods
2 for the fair and efficient adjudication of the controversy.

3 2. Plaintiff Juan Caamal is approved as class representative.

4 3. Mayall Hurley P.C., by and through Robert J. Wassermann and John P. Briscoe are
5 hereby appointed as Class Counsel.

6 4. The Court finds on a preliminary basis that the Proposed Settlement, attached as
7 **Exhibit A** to the Declaration of John P. Briscoe and incorporated herein by this reference and made
8 a part of this Order of Preliminary Approval, appears to be within the range of reasonableness of
9 settlement which could ultimately be given final approval by this Court; it further appears to the
10 Court on a preliminary basis that the settlement amount is fair and reasonable to Class Members
11 when balanced against the probable outcome of further litigation, liability and damages issues; it
12 further appears that significant investigation and research has been conducted and that counsel for
13 the parties at this time are able to reasonably evaluate substantial costs, delay and risks that would be
14 presented by the further prosecution of the litigation; it further appears that the Proposed Settlement
15 has been reached as the result of intensive, serious and non-collusive, arms-length negotiations.

16 5. The Court finds that the proposed Notice of Class Action Settlement, attached as
17 Exhibit 1 to the Settlement Agreement (and as Exhibit B to the Declaration of John P. Briscoe), and
18 incorporated herein by this reference and made a part of this Order of Preliminary Approval, fairly
19 and adequately apprises Class Members of the pendency of the Action, the terms of the Proposed
20 Settlement, the options available to them thereunder, including their rights to participate, opt-out
21 and/or object, as well as the procedures and timing for doing so. The Court further finds that the
22 Notice of Class Action Settlement clearly comports with all constitutional requirements including
23 those of due process.

24 6. Simpluris is appointed as the Settlement Administrator and shall administer the
25 Proposed Settlement in accordance with the terms set forth in the Proposed Settlement and perform
26 the functions set forth therein. Administration costs of up to \$9,000 are approved.

1 7. Defendants are ordered to provide the Class List to the Settlement Administrator
2 within 15 calendar days of the issuance of this Order of Preliminary Approval.

3 8. The Settlement Administrator is to mail the Notice of Class Action Settlement to the
4 Class Members within 15 calendar days of its receipt of the Class List.

5 9. Subject to further consideration by the Court at the time of the Final Approval
6 Hearing, the requested fees and costs of Class Counsel (one-third of the Gross Settlement Sum, or
7 \$61,667 in attorneys' fees, and costs of suit in an amount not to exceed \$10,000) and the requested
8 Class Representative Incentive Payment to Plaintiff (\$5,000) are preliminarily approved.

9 10. The Final Approval Hearing shall be held in Courtroom B in this Court, on
10 _____, 2023 at _____, as set forth in the Notice of Class Action Settlement, to
11 determine the fairness, reasonableness and adequacy of the Proposed Settlement and whether it
12 should be approved finally by the Court. The Final Approval Hearing may be postponed, adjourned,
13 or rescheduled by order of the Court without further notice to the class.

14 11. Any party to this Action, including Class Members, may appear at the final hearing in
15 person or by counsel, and may be heard to the extent allowed by the Court, in support of or in
16 opposition to, the Court's determination of the good faith, fairness, reasonableness and adequacy of
17 the Proposed Settlement, the proposed Service Payment, Class Counsel's requested attorneys' fees
18 and costs, and any order of final approval regarding such Proposed Settlement; provided, however,
19 that no person, except Class Counsel and counsel for Defendants, shall be heard in opposition to
20 such matters unless such person has complied with the conditions set forth in the Notice of Class
21 Action Settlement.

22 The parties to the Agreement are directed to carry out their obligations under the Proposed
23 Settlement.

24 IT IS SO ORDERED.

25 DATE: _____, 2023

26 _____
Superior Court Judge

PROOF OF SERVICE

I, the undersigned, certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is 112 S. Church Street, Lodi, California 95240 that is located in the county where the mailing and/or delivery below took place.

On June 20, 2023, I served the following document:

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

addressed to:

Hillary J. Baca
Andrea Chavez
Alex Pinto
Nixon Peabody
One Embarcadero Center, 32nd Floor
San Francisco, CA 94111
hbaca@nixonpeaody.com
andrea.chavez@nixonpeabody.com
apinto@nixonpeabody.com
*Attorneys for Defendant Tiburon Lodge CA Hotel
Manager, LLC*

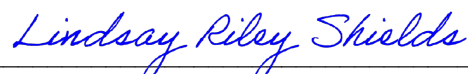
Mollie M. Burks
Sat Sang Khalsa
Gordon Rees Scully Mansukhani, LLP
1111 Broadway, Suite 1700
Oakland, CA 94607
[Mburks@grsm.com](mailto:mburks@grsm.com)
skhalsa@grsm.com
mJamie Olvera: jolvera@grsm.com
*Attorneys for Defendant TRG CA
Employment, Inc.*

☐ **BUSINESS PRACTICE TO ENTRUST DEPOSIT TO OTHERS:** I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business. On the date specified below, at my place of business at Stockton, California a copy of the document described above was placed for deposit in the United States Postal Service in a sealed envelope, with postage fully prepaid addressed to the individuals and/or entities mentioned above; and that envelope was placed for collection and mailing on that date following ordinary business practice.

☒ **BY EMAIL:** In accordance with Code of Civil Procedure, Section 1010.6, on the date specified below, I caused a copy of the document(s) described above to be sent to the person(s) at the e-mail address(es) listed above. My business e-mail address is lriley@mayallaw.com. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

Executed on June 20, 2023, at Lodi, California.


LINDSAY RILEY SHIELDS