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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

ADRIAN VIDES, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

CELOSEAL ROOFING, INC., a California
Corporation; and DOES 1 through 100,

Defendants.

CASE NO. 30-2020-01162478-CU-OE-CXC

*[Case assigned for all purposes to the Hon.
Randall J. Sherman]*

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

Date: October 15, 2021

Time: 10:00 a.m.

Dept.: CX105

Reservation: 73603939

Action Filed: September 28, 2020

Trial Date: None Set

1 The Motion of Plaintiff Adrian Vides (“Plaintiff”) for Preliminary Approval of Class
2 Action Settlement came regularly for hearing before this Court on October 15, 2021, at 10:00
3 a.m. The Court, having considered the proposed Stipulation of Settlement (the “Settlement”),
4 attached as Exhibit 1 to the Declaration of Fletcher W. Schmidt filed concurrently herewith;
5 having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement,
6 Memorandum of Points and Authorities in support thereof, and supporting declarations filed
7 therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set
9 forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement
10 that ultimately could be granted approval by the Court at a Final Fairness Hearing. For purposes
11 of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that
12 there is a sufficiently well-defined community of interest among the members of the Settlement
13 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
14 conditional certification of the following Settlement Class:

15 All current and former non-exempt employees who have worked for
16 Defendant Celoseal Roofing, Inc. in California at any time between
17 April 6, 2016 and the date of preliminary approval of the Settlement,
and who have not signed a general release.

18 2. For purposes of the Settlement, the Court designates named Plaintiff Adrian Vides
19 as Class Representative and designates Fletcher W. Schmidt, Paul K. Haines, Andrew J.
20 Rowbotham, and Alma V. Montenegro of Haines Law Group, APC as Class Counsel.

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

23 5. The Court approves, as to form and content, the Class Notice and Dispute Form,
24 attached as a combined Exhibit 2 to the Declaration of Fletcher W. Schmidt and submitted
25 concurrently with Plaintiff’s Motion.

26 6. The Court finds that the form of notice to the Settlement Class regarding the
27 pendency of the action and of the Settlement, and the methods of giving notice to members of the
28 Settlement Class constitute the best notice practicable under the circumstances, and constitute

valid, due, and sufficient notice to all members of the Settlement Class. 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.

7. 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.

8. The procedures and requirements for filing objections in connection with the Final Fairness Hearing are intended to ensure the efficient administration of justice and the orderly presentation of any Class Member's objection to the Settlement, in accordance with the due process rights of all Settlement Class members.

9. The Court directs the Settlement Administrator to mail the Class Notice and Dispute Form (collectively the "Notice Packet") to the members of the Settlement Class in accordance with the terms of the Settlement. The Court directs the Settlement Administrator to carry out all duties as required by the Settlement.

10. The Class Notice shall provide at least 60 calendar days' notice for members of the Settlement Class to opt out of, or object to the Settlement. Any Request for Exclusion or Objection shall be submitted directly to the Settlement Administrator and not filed with the Court. Upon receipt of any Requests for Exclusion or Objections, the Settlement Administrator shall forward copies of all Requests for Exclusion and Objections to counsel for all parties. The Settlement Administrator shall file a declaration concurrently with the filing of the Motion for Final Approval of Class Action Settlement which authenticates a copy of every Request for Exclusion and Objection received by the Settlement Administrator. The Settlement Administrator shall give notice to any objecting Settlement Class member of any continuance of the hearing on Plaintiff's Motion for Final Approval of Class Action Settlement.

11. The Final Fairness Hearing on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in Department CX105 of this Court, located at 751 W Santa Ana Blvd, Santa Ana, California 92701 on _____, at _____ a.m./p.m.

12. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should be finally 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 reasonable attorneys' fees, reimbursement of litigation expenses, enhancement payment to Plaintiff, settlement administration costs, and payment to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

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

14. An implementation schedule is below (assuming the Court signs this Order on October 15, 2021):

Event	Date
Defendant to provide Class Member information to the Settlement Administrator no later than [10 business days after preliminary approval]:	October 29, 2021
Settlement Administrator to mail Notice Packet to Class Members no later than [10 business days from receipt of Class Member information]:	November 15, 2021
Deadline for Class Members to request exclusion from, submit dispute, or object to the Settlement [60 calendar days from mailing of Notice Packet]:	January 14, 2022
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	February 11, 2022
Final Fairness Hearing:	_____, 2022

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

1 16. Counsel for the parties are hereby authorized to utilize all reasonable procedures
2 in connection with the administration of the Settlement which are not materially inconsistent with
3 either this Order or the terms of the Settlement.

4 **IT IS SO ORDERED.**

5
6 Dated: _____, 2021

Honorable Randall J. Sherman
Judge of the Superior Court