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

EDUARDO GONZALEZ, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

GUARDIAN INDUSTRIES, LLC, a Delaware
corporation; and DOES 1 through 100,

Defendants.

CASE NO. 19CECG02134

*[Case assigned to the Hon. Rosemary
McGuire, Dept. 402]*

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

Date: March 25, 2021
Time: 3:30 p.m.
Dept.: 402

Action Filed: June 20, 2019
Trial Date: None Set

1 The Motion of Plaintiff Eduardo Gonzalez (“Plaintiff”) for Preliminary Approval of Class
2 Action Settlement came regularly for hearing before this Court on March 25, 2021, at 3:30 p.m.
3 The Court, having considered the proposed Stipulation of Settlement (the “Settlement”), attached
4 as Exhibit 2 to the Declaration of Fletcher W. Schmidt filed concurrently herewith; having
5 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 hourly employees of Guardian
16 Industries, LLC in the State of California from June 20, 2015,
17 through May 27, 2020 (“Class Period”).

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

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

23 4. The Court approves, as to form and content, the Notice Packet (which is comprised
24 of the Notice of Class Action Settlement (“Class Notice”) and Notice of Settlement Award
25 (“Dispute Form”)) attached as Exhibit 3 to the Declaration of Fletcher W. Schmidt.

26 5. 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

1 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
2 giving notice complies fully with the requirements of California Code of Civil Procedure section
3 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California
4 and United States Constitutions, and other applicable law.

5 6. The Court further approves the procedures for Settlement Class members to opt
6 out of or object to the Settlement, as set forth in the Class Notice.

7 7. The Court directs the Settlement Administrator to mail the Class Notice and
8 Dispute Form to the members of the Settlement Class in accordance with the terms of the
9 Settlement. The Court directs the Settlement Administrator to carry out all duties as required by
10 the Settlement.

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

20 9. Objections shall be filed directly with the Court. Settlement Class Members may
21 also submit their objections to the Settlement Administrator who will file such objections with
22 the Court. The procedures and requirements for filing objections in connection with the Final
23 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
24 presentation of any Class Member's objection to the Settlement, in accordance with the due
25 process rights of all Settlement Class members. Notwithstanding the above, Settlement Class
26 Members may also voice their objection at the Final Fairness Hearing.

27 10. The Final Fairness Hearing on the question of whether the Settlement should be
28 finally approved as fair, reasonable, and adequate is scheduled in Department 402 of this Court,

located at 1130 O Street, Fresno, California 93721 on _____, 2021 at _____ a.m. / p.m.

11. 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.

12. 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.

13. An implementation schedule is below:

Event	Date
Defendant to provide Class Member information to the Settlement Administrator no later than [30 days after preliminary approval]:	April 26, 2021
Settlement Administrator to mail Class Notice, Request for Exclusion, and Objection Form to Class Members no later than [10 business days from receipt of Class Member information]:	May 10, 2021
Deadline for Class Members to request exclusion from, submit dispute, or object to the Settlement [60 calendar days from mailing of Class Notice]:	July 9, 2021
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	September 10, 2021
Final Fairness Hearing	_____, 2021

14. 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 15. 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 Rosemary McGuire
Judge of the Superior Court