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**SUPERIOR COURT OF STATE OF CALIFORNIA
FOR THE COUNTY ORANGE-CIVIL COMPLEX CENTER**

JOAQUIN SANTIBANEZ, and JORGE
MAZARIEGOS, as individuals and on behalf
of other similarly situated employees,

Plaintiff,

vs.

DANCHUK MANUFACTURING, INC., a
California corporation, and DOES 1-50,
inclusive,

Defendants.

Case No.: 30-2020-01155466-CU-OE-CXC

Assigned for all purposes to:
Hon. Randall J. Sherman
Dept. CX 105

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

Hearing Date: January 7, 2022

Hearing Time: 10:00 a.m.

Department: CX 105

Case filed: August 17, 2020
Trial date: TBD

Res. ID: 73608406

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

1 THIS MATTER having been brought before the Court on behalf of Plaintiff Joaquin
2 Santibanez and Plaintiff Jorge Mazariegos (collectively referred to herein as “Plaintiffs”),
3 through their attorneys, pursuant to California Rule of Court 3.769 and other applicable rules and
4 laws, to request an order granting preliminary approval of a class action settlement and directing
5 the dissemination of notice to the class (the “Order”); the Court having reviewed the Plaintiff’s
6 submissions, having held a hearing on January 7, 2022, and having found that Plaintiffs are
7 entitled to the relief sought, and for good cause shown:

8 IT IS HEREBY ORDERED that Plaintiffs’ motion is GRANTED, and it is further
9 ORDERED as follows:

10 1. This proposed fully executed Stipulation of Class Action Settlement (“Settlement
11 Agreement” or “Agreement”), submitted with the motion and filed with the Court, as amended,
12 is preliminarily approved as being within the range of potential final approval.¹

13 2. Based upon the submissions to the Court and attachments and exhibits thereto, the
14 Court conditionally makes the following findings solely for settlement purposes only, subject to
15 final approval at the Final Approval Hearing:

- 16 a. The approximate 104 total Class Members are so numerous as to make joinder
17 impracticable;
18 b. There are questions of law and fact common to the Class Members, and such
19 questions predominate over any questions affecting only individual Class
20 Members;
21 c. Named Plaintiffs’ claims and the defenses thereto are typical of the claims of
22 the Class Members and the defenses thereto;
23 d. Named Plaintiffs’ and Class Counsel can protect and have fairly and
24 adequately protected the interest of the Class members in the lawsuit; and
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27 ¹ Unless otherwise specified, all defined terms in this Order have the same meaning as the meaning described in the Settlement
28 Agreement, and those terms are incorporated here by this reference. To the extent there is any conflict between the definitions of those terms, the
definitions in the Settlement Agreement will control.

1 e. A class action is superior to all other available methods for fairly and
2 efficiently resolving the claims in connection to this lawsuit and provides
3 substantial benefits to the Class Members.

4 3. Accordingly, solely for purposes of this settlement only, the Court preliminarily
5 approves the Named Plaintiffs as representatives of the Class Members, and conditionally
6 certifies a settlement class defined as follows:

7
8 All persons within the State of California who are or were employed by
9 Defendant in the State of California as a non-exempt hourly employee at any
10 time between August 17, 2016 and June 14, 2021.

11 4. This matter is conditionally certified as a class action for settlement purposes only
12 under California Code of Civil Procedure Section 382 and California Rules of Court, Chapter 6,
13 Rules 3.767 *et seq.*, and/or other laws as applicable. If the settlement does not receive final
14 approval, Defendants retain the right to assert that this action may not be certified as a class
15 action for liability purposes.

16 5. Solely for purposes of implementing the Settlement Agreement and for purposes of
17 this settlement, the Court preliminarily appoints as Class Counsel Jackson Law, APC.

18 6. The Court finds that the Settlement Agreement falls within the range of possible
19 approval such that it warrants notice thereto and further orders notice of the settlement to be
20 disseminated to the Class Members in the manner set forth herein and in the Settlement
21 Agreement.

22 7. A final hearing (the “Final Approval Hearing”) shall be held before this Court on
23 June 2, 2022 at 10:00 a.m. to determine whether: (a) the Court should finally approve the
24 Settlement Agreement and determine that the terms contained therein are fair, reasonable,
25 adequate, and in the best interests of the Class Members, (b) the Court should enter final
26 judgment ~~dismissing with prejudice the operative Complaint~~ in this lawsuit, (c) to approve the
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1 application for the Attorneys' Fee Award to Class Counsel and Named Plaintiffs' Incentive
2 Awards in a manner consistent with the Settlement Agreement. The Final Approval Hearing may
3 be postponed, adjourned or continued by further order of this Court, without further notice to the
4 Class Members.

5 8. At the Final Approval Hearing, the Court will consider and determine whether the
6 Settlement Agreement should be finally approved as fair, adequate and reasonable in light of any
7 timely valid objections presented by the Class Members and the parties' responses to any such
8 objections that have been submitted to the Court in accordance with the provisions set forth
9 below.

10 9. The Court hereby approves the appointment of ~~Danchuk Manufacturing, Inc.~~
11 Phoenix Claims Administration ("Claims Administrator") as the Claims Administrator for the
12 purposes of disseminating the Class Notice and Exclusion Form (substantially in the form of
13 Exhibits 2-3 submitted to the Court attached to the Declaration of Armond M. Jackson in support
14 of the Motion for Preliminary Approval of Class Action Settlement), as amended, which are
15 hereby approved, and for purposes of administering the terms of the settlement as set forth in the
16 Settlement Agreement. The Claims Administrator shall perform its duties consistent with the
17 provisions contained within the Settlement Agreement.

18 10. Any Class Member may object to the fairness, reasonableness or adequacy of the
19 proposed settlement. To assert a valid and timely objection to the Settlement, a Class Member
20 may file an objection with the Court either in writing or at the time of the hearing or appear at the
21 hearing and object at that time.

22 11. The Court finds that the manner of dissemination and content of the Class Notice
23 specified in detail in the Settlement Agreement (i) is the best notice practicable, (ii) is reasonably
24 calculated, under the circumstances, to apprise Class Members of the pendency of the lawsuit
25 and of their right to object to or to exclude themselves from the proposed settlement, (iii) is
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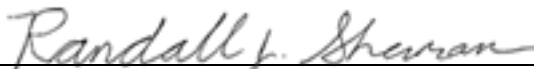
1 reasonable and constitutes due, adequate and sufficient notice to all persons entitled to receive
2 notice, and (iv) meets all applicable requirements of applicable law.

3 12. Class Counsel shall file and serve papers in support of final approval of the
4 Settlement no later than sixteen (16) court days in advance of the Final Approval Hearing.

5 13. The Claims Administrator is hereby ordered no later than twenty-one (21) calendar
6 days before the Final Approval Hearing to file an affidavit attesting completeness and accuracy
7 of the proof of mailing of the Class Notice, Claim Form and Exclusion Form to the Class
8 Members.
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10 Dated: **January 7, 2022**

JUDGE OF THE SUPERIOR COURT

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13 The Honorable Judge Randall J. Sherman
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