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12 of all others similarly situated

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF RIVERSIDE**

15 KENNETH KERNITZKI individually and on  
16 behalf of all others similarly situated,

17 Plaintiff,

18 v.

19 QUALITY CAR SHIPPERS, LLC, a California  
20 limited liability company; and DOES 1 through  
21 50, inclusive,

22 Defendants.

Case No. CVRI2100564

*[Assigned to Harold W. Hopp, Department 10]*

**Complex Class Action**

**[PROPOSED] ORDER RE MOTION FOR  
PRELIMINARY APPROVAL OF CLASS AND  
PAGA ACTION SETTLEMENT; EXHIBITS**

Date: May 2, 2023

Time: 8:30 AM

Dept: 10

Complaint filed: February 5, 2021

Trial date: None set

**PROPOSED ORDER**

Plaintiff's Unopposed Motion for Preliminary Approval of Class and PAGA Action Settlement ("Motion") came on for hearing before this Court on May 2, 2023, at 8:30 a.m. Having considered the Motion and all supporting documents thereto, including the Class Action and PAGA Settlement Agreement ("Settlement" or "Agreement") attached as Exhibit 1 to the Declaration of Greg Taylor and the Notice of Class Action & PAGA Settlement ("Class Notice") attached as Exhibit A to the Agreement, and for good cause shown, the Court hereby **ORDERS** as follows:

1. The Court **GRANTS** preliminary approval of the Settlement as set forth in the Agreement and finds the terms to be within the range of fairness, adequacy, and reasonableness of a settlement that ultimately could be granted final approval by the Court at the final approval hearing ("Final Approval Hearing"). All terms herein shall have the same meaning as defined in the Agreement, unless otherwise indicated. For purposes of settlement only, the Court finds that the proposed Class is ascertainable and presents a sufficiently well-defined community of interest in questions of law and fact. Therefore, the Court grants conditional certification of the Class defined as follows:

All current and former drivers, classified by Defendant as independent contractors, who hauled for Defendant at any time during the Class Period, from February 5, 2017, through the date Plaintiff filed the motion for preliminary approval of the Settlement.

2. For settlement purposes only, the Court designates Named Plaintiff Kenneth Kernitzki ("Plaintiff") as class representative.

3. For settlement purposes only, the Court appoints Taras Kick and Greg Taylor of The Kick Law Firm, APC as Class Counsel.

4. The Court appoints Simpluris, Inc. as the Settlement Administrator.

5. A Final Approval Hearing on the question of whether the proposed Settlement should be finally approved as fair, reasonable, and adequate to Plaintiff and the Class is scheduled in Department 10 of the Riverside County Historic Courthouse located at 4050 Main Street, Riverside, CA 92501, on July 25, 2023, at 8:30 a.m.

6. At the Final Approval Hearing, the Court will consider among other things: (a) whether the Settlement should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment

1 granting final approval of the Settlement should be entered; and (c) whether Named Plaintiff's application  
2 for a Service Award and an award of attorneys' fees and costs to Class Counsel should be granted.

3 7. Class Counsel shall file memoranda, declarations, or other statements and materials in  
4 support of their request for final approval and an award of attorneys' fees and costs at least sixteen (16)  
5 court days before the Final Approval Hearing.

6 8. The Court approves, as to form and content, the Class Notice attached hereto as **Exhibit A**.  
7 The Court also approves, as to form and content, the Objection Form attached hereto as **Exhibit B** and the  
8 Exclusion Form attached hereto as **Exhibit C**. The Objection Form and Exclusion Form shall be  
9 distributed to Class members along with the Class Notice.

10 9. The Court finds that the forms of notice to the Class regarding the pendency of the action  
11 and of the proposed Settlement and the methods of giving notice to the Class constitute the best notice  
12 practicable under the circumstances and constitute valid, due, and sufficient notice to all Class members.  
13 The Class Notice fully complies with the requirements of California Code of Civil Procedure section 382,  
14 California Civil Code section 1781, California Rules of Court, Rules 3.766 and 3.769, the California and  
15 United States Constitutions and other applicable law.

16 10. The Court further approves the procedures, as set forth in the Agreement and the Class  
17 Notice, for Class members to opt out of or object to the proposed Settlement or to dispute the number of  
18 workdays during the Class Period credited to them by the Settlement Administrator.

19 11. The Parties are ordered to carry out the proposed Settlement according to the terms of the  
20 Agreement. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection  
21 with the administration of the Settlement that are not materially inconsistent with either this Order or the  
22 terms of the Agreement. The Settlement Administrator is ordered to carry out its Administrator Duties as  
23 set forth in the Settlement and in this Order, including but not limited to: distributing Class Notice to the  
24 Class members, receiving and promptly notifying Class Counsel of any potential requests for exclusion,  
25 challenges to calculation of workweeks, and/or objections to the settlement, establishing a settlement fund,  
26 and calculating and distributing Individual Class Payments and Individual PAGA Payments to the Class  
27 members and aggrieved employees.

12. As required by this Court's Case Management Order, a declaration from the Settlement Administrator shall be filed concurrently with the filing of Plaintiff's motion for final approval, authenticating a copy of every exclusion form received by the Settlement Administrator.

13. Pending the Final Approval Hearing, all proceedings in the action, other than those necessary to carry out or enforce the terms and conditions of the Agreement and this Order, are stayed.

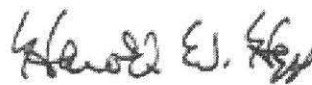
14. The Court orders the following Implementation Schedule for further proceedings:

| Event                                                                                                                                                          | Timing                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Last day for Defendant to provide Class Data Information to Settlement Administrator.                                                                          | May 17, 2023                                        |
| Last day for Settlement Administrator to initiate mailing Class Notice to Class members ("Notice Date").                                                       | May 31, 2023                                        |
| Last day for Class Counsel to file Motion for Final Approval.                                                                                                  | June 30, 2023                                       |
| Last day for Class members to mail Objections, Exclusion Requests, or Workweek/PAGA Pay Period Disputes to the Settlement Administrator ("Response Deadline"). | July 15, 2023                                       |
| Last day for Parties to respond to objections                                                                                                                  | July 18, 2023                                       |
| Final Approval Hearing.                                                                                                                                        | July 25, 2023, at <u>8:30</u> a.m./ <del>p.m.</del> |
| Last day to file Final Accounting                                                                                                                              | March 1, 2024                                       |

15. The Final Approval Hearing and related deadlines set forth above may, from time to time and without further notice to the Class (except those who have filed timely and valid objections), be continued or adjourned by Order of the Court.

**IT IS SO ORDERED.**

Dated: 05/03/2023

  
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THE HONORABLE HAROLD W. HOPP  
JUDGE OF THE SUPERIOR COURT