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6 Attorneys for Plaintiff

FILED
KERN COUNTY

MAR 20 2023

BY [Signature] DEPUTY

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF KERN**
10

11 DANNY SWANSON, an individual, for
himself and all members of the putative
12 class,

13 Plaintiff,

14 v.

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16 INTEGRITS CORPORATION, a
California Corporation; and DOES 1
17 through 100, inclusive,

18 Defendants.
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) Case No. BCV-20-102354-TSC

) [Assigned for All Purposes to the
Honorable Thomas S. Clark, Dept. 17]

CLASS ACTION

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

) [Filed Together with Plaintiff's Unopposed
Motion; Declaration of Kitty K. Szeto]

) Date: March 20, 2023
Time: 8:30 a.m.
Dept.: 17

) Complaint Filed: October 7, 2020
Trial Date: None Set

1 Plaintiff Danny Swanson's unopposed motion for an order granting preliminary
2 approval of the proposed settlement of the above-captioned action on a classwide basis,
3 approving the manner and content of notice to the class, and setting a final approval
4 hearing, came on for hearing before the above-entitled Court.

5 Having read the Settlement Agreement attached as Exhibit "1" to the Declaration
6 of Kitty K. Szeto and supporting documents, the unopposed motion for preliminary
7 approval, as well as the points and authorities and declarations filed in support thereof,
8 the Court finds that: the proposed settlement appears fair, reasonable, and adequate;
9 notice of the proposed settlement should be sent to the class in the manner described
10 herein; and a hearing should be held after said notice is issued to determine if the
11 Settlement Agreement and the proposed settlement are fair, reasonable, and adequate to
12 the class and if an order granting final approval should be entered in this action based
13 upon the terms of the Settlement Agreement.

14 **IT IS THEREFORE ORDERED THAT:**

15 1. This Order incorporates by reference the parties' Settlement Agreement and
16 all defined terms herein shall have the same meaning as set forth in the Settlement
17 Agreement.

18 2. The Settlement Agreement, the proposed Settlement described therein, and
19 the Gross Settlement Amount of **\$1,000,000.00** are preliminarily approved as fair,
20 reasonable, and adequate.

21 3. The Court hereby appoints the Parris Law Firm as Class Counsel and
22 preliminarily approves Class Counsel's request for attorneys' fees in the amount of
23 \$350,000 and costs in an amount not to exceed \$15,000.

24 4. The Court hereby appoints Plaintiff Danny Swanson as the Class
25 Representative and preliminarily approves the Service Award request in the total amount
26 of \$10,000.

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1 5. The Court preliminarily approves that \$100,000.00 of the Gross Settlement
2 Amount shall be allocated as civil penalties pursuant to PAGA, 75% of which
3 (\$75,000.00) shall be paid to the LWDA and 25% of which (\$25,000.00) shall be
4 distributed pro rata to the PAGA Employees based on the number of pay periods worked
5 during the PAGA Period.

6 6. The Court preliminarily approves settlement administration costs of up to
7 \$6,500.00.

8 7. A hearing ("Final Approval Hearing") shall be held before the Honorable
9 Thomas S. Clark in Department 17 of the above-entitled court located at **1415 Truxtun**
10 **Avenue, Bakersfield, California 93301** on 6-20, **2023 at 8:30 a.m.**
11 to determine: whether the proposed Settlement, on the terms and conditions provided for
12 in the Settlement Agreement, is fair, reasonable, and adequate and whether said
13 Settlement should be finally approved by the Court. The Court may adjourn or continue
14 the Final Approval Hearing without further notice to the Class Members.

15 8. The parties are ordered to implement the settlement according to the terms
16 of the Settlement Agreement.

17 9. The Court hereby approves, as to form and content, the Notice of
18 Settlement attached as Exhibit "2" to the Declaration of Kitty K. Szeto ("Class Notice").

19 10. The Court hereby appoints ILYM Group, Inc. as the Settlement
20 Administrator.

21 11. The Court finds that the mailing of the Class Notice substantially in the
22 manner and form as set forth in the Settlement Agreement and this Order meets the
23 requirements of Section 382 of the Code of Civil Procedure, Rule 3.769 of the California
24 Rules of Court, and due process, and is the best notice practicable under the
25 circumstances, and shall constitute due and sufficient notice to all persons entitled
26 thereto.

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1 12. The Court further approves the procedures for Class Members to opt-out of
2 or object to the settlement, as set forth in the Class Notice and the Settlement Agreement.
3 The procedures and requirements for filing objections in connection with the Final
4 Approval Hearing are intended to ensure the efficient administration of justice and the
5 orderly presentation of any Class Member's objection to the settlement, in accordance
6 with the due process rights of all Class Members.

7 13. Within five (5) calendar days after preliminary approval, Defendant shall
8 provide the Settlement Administrator with a list containing each Class Member's full
9 name, last known address, Social Security number, the number of weeks worked during
10 the Class Period, and any other relevant information needed to identify Class Members
11 and calculate Settlement Payments ("Class List").

12 14. Within ten (10) business days after the delivery of the Class List, the
13 Settlement Administrator shall mail the Class Notice to the Class Members by First Class
14 mail through the United States Postal Service.

15 15. Class Members will then have thirty (30) calendar days from the date of the
16 initial mailing of the Class Notice to timely submit an opt out or a written objection to the
17 proposed settlement.

18 16. The Settlement Administrator shall furnish counsel for the parties with a
19 weekly report regarding the status of mailing and the processing of opt outs and
20 objections.

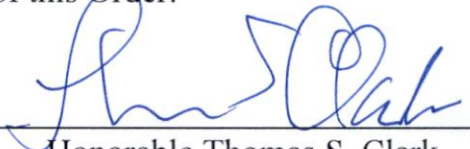
21 17. All discovery and other pretrial proceedings including the deadline for
22 Plaintiff to bring this case to trial pursuant to California Code of Civil Procedure section
23 583.310 are stayed and suspended until further order of the Court, except such
24 proceedings as may be necessary to implement the Settlement Agreement and this Order.
25 To facilitate the administration of the settlement pending final approval, the Court hereby
26 enjoins Plaintiff and all Class Members from filing or prosecuting any claims, or suits
27 regarding claims released by the Settlement Agreement, unless and until such Class
28 Members have filed valid Requests for Exclusion with the Settlement Administrator.

1 18. The Court reserves the right to adjourn or continue the date of the Final
2 Approval Hearing without further notice to the Class Members, and retains jurisdiction to
3 consider all further applications arising out of or connected with the proposed Settlement.

4 19. The settlement and Settlement Agreement are preliminarily approved but
5 are not an admission by Defendant of the validity of any claims in this Action, or of any
6 wrongdoing by Defendant or of any violation of law. Neither the Settlement Agreement
7 nor any related document shall be offered or received in evidence in any civil, criminal,
8 or administrative action or proceeding other than such proceedings as may be necessary
9 to consummate or enforce the settlement and Settlement Agreement. The obligations set
10 forth in the Settlement Agreement are deemed part of this Order.

11 **IT IS SO ORDERED.**

12 DATE: 03-20-23



Honorable Thomas S. Clark
Kern County Superior Court