

**FILED**  
San Francisco County Superior Court

JUL 14 2022

CLERK OF THE COURT

By: \_\_\_\_\_

Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
DEPARTMENT 304

JOSE SOTO RODRIGUEZ, an individual; and on  
behalf of other members of the general public  
similarly situated,

Plaintiff,

v.

WEDGE ROOFING, INC., a California  
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No. CGC-20-587823

**ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT**

Plaintiff Jose Soto Rodriguez filed an Unopposed Motion for Preliminary Approval of the class and representative action settlement ("Motion") reached in this matter (the "Action") on March 11, 2022. Plaintiff submitted supplemental filings on May 5, 2022, June 3, 2022, July 1, 2022, and July 14, 2022. The operative Settlement Agreement is the Third Amended Joint Stipulation of Class and PAGA Action Settlement and Release (the "Settlement Agreement") attached as Exhibit 1 to the Fourth Supplemental Declaration of Jose Macias, Jr. filed July 14, 2022.

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1 Having fully reviewed all papers filed in support of the Motion and good cause appearing, the  
2 Court HEREBY FINDS AND ORDERS THE FOLLOWING:

3 1. The Court finds on a preliminary basis that the settlement memorialized in the  
4 Settlement Agreement falls within the range of final approval, and therefore meets the requirements  
5 for preliminary approval.

6 2. The Court conditionally certifies, for settlement purposes only, the following class  
7 ("Class"):

8 All persons who are currently employed, or formerly have been employed,  
9 as non-exempt hourly employees engaged in roofing services by Defendant  
10 in California, at any time from November 5, 2016, through the date of the  
11 Court's preliminary approval of this Action.

12 3. The Court finds, for purposes of settlement only, that the Class meets the requirements  
13 for certification under section 382 of the California Code of Civil Procedure in that: (1) the Class is so  
14 numerous that joinder is impracticable; (2) there are questions of law and fact that are common, or of  
15 general interest, to all Settlement Class Members, which predominate over individual issues; (3) the  
16 claims of the Named Plaintiff are typical of the claims of the Class; (4) the Named Plaintiff and  
17 Plaintiff's counsel will fairly and adequately protect the interests of the Class; and (5) a class action is  
18 superior to other available methods for the fair and efficient adjudication of the controversy.

19 4. The Court appoints Named Plaintiff Jose Soto Rodriguez as class representative for the  
20 Class for settlement purposes only. The Court preliminarily finds that the Class representative will  
21 adequately represent the Class in accordance with Code of Civil Procedure section 382.

22 5. The Court appoints, for settlement purposes only, Jose Macias, Jr., and Macias  
23 Rodriguez Adams LLP, as counsel for the Class. The Court preliminarily finds that Class Counsel  
24 will represent the Class fairly and adequately in accordance with Code of Civil Procedure section 382.

25 6. The Court appoints Simpluris, Inc. as the Settlement Administrator and directs the  
26 Settlement Administrator to perform all tasks related to administration and distribution of the  
27 settlement.

28 7. The Court approves, as to the form and content, the Notice Of Class Action Settlement  
("Notice") attached as Exhibit B to the Settlement Agreement, and the Request for Exclusion Form

1 attached as Exhibit C to the Settlement Agreement.

2 8. The procedure for providing notice to the Class set forth in the Settlement Agreement  
3 at section five is hereby found to be the best means practicable of providing notice under the  
4 circumstances.

5 9. The parties are ordered to carry out the settlement according to the terms of the  
6 Settlement Agreement.

7 10. The Court adopts the following calendar of events for purposes of facilitating the  
8 Settlement and Notice to Class Members:

|                                  |                                                                                                        |                                                                                                                                                                          |
|----------------------------------|--------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9<br>10<br>11<br>12              | Within ten (10) calendar days of the<br>Court's entry of an Order of Preliminary<br>Approval:          | Defendant provides Settlement Class<br>Member List to the Settlement<br>Administrator.                                                                                   |
| 13<br>14<br>15<br>16<br>17       | Within twenty (20) calendar days of the<br>Court's entry of an Order of Preliminary<br>Approval:       | Settlement Administrator emails and<br>mails Notice and Request for<br>Exclusion Forms ("Settlement<br>Documents") to all Settlement Class<br>Members.                   |
| 18<br>19<br>20<br>21<br>22       | Forty-five (45) calendar days after the<br>Settlement Administrator mails the<br>Settlement Documents: | Email or postmark deadline for all<br>Settlement Class Members to email or<br>mail a written objection to the<br>Settlement Administrator ("Objection<br>Deadline").     |
| 23<br>24<br>25<br>26<br>27<br>28 | Forty-five (45) calendar days after the<br>Settlement Administrator mails the<br>Settlement Documents: | Email or postmark deadline for all<br>Settlement Class Members to email or<br>mail a Request for Exclusion to the<br>Settlement Administrator ("Exclusion<br>Deadline"). |

Five (5) business days after the  
Exclusion Deadline:

Settlement Administrator provides  
Class Counsel and counsel for  
Defendant with a complete list of  
Settlement Class Members who timely  
sent a Request for Exclusion.

11. Plaintiff's motions for final approval of the class action settlement and for an award of attorneys' fees, costs and enhancement awards shall be filed on or before October 24, 2022. The Final Approval Hearing is to be held on November 18, 2022 at 10:00 a.m. in Department 304 of this Court, located at 400 McAllister Street, San Francisco, California 94102.

**IT IS SO ORDERED.**

Dated: July 14, 2022

  
ETHAN P. SCHULMAN  
Judge of the Superior Court

**CERTIFICATE OF ELECTRONIC SERVICE**

(CCP 1010.6(6) & CRC 2.251)

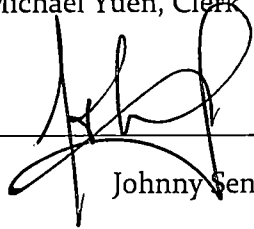
I, Johnny Sengmany, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On July 14, 2022, I electronically served the attached document via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: July 14, 2022

T. Michael Yuen, Clerk

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to be 'JS', is written over a horizontal line.

Johnny Sengmany, Deputy Clerk