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on behalf of himself and others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

JOHN PEHKONEN, on behalf of himself  
and others similarly situated,

Plaintiff,

vs.

BUREAU VERITAS COMMODITIES  
AND TRADE, INC. fka INSPECTORATE  
AMERICAN CORPORATION, a Delaware  
corporation; and DOES 1 through 50,  
inclusive,

Defendants.

Case No. 20STCV40104  
Related Case No. 20STCV49152

Judge: Hon. Carolyn Kuhl  
Department: 12

**CLASS ACTION**

**[PROPOSED] ORDER GRANTING  
MOTION FOR AN ORDER (1)  
PRELIMINARILY APPROVING THE  
CLASS ACTION SETTLEMENT, (2)  
APPROVING NOTICE OF CLASS ACTION  
SETTLEMENT, AND (3) SETTING  
HEARING FOR FINAL APPROVAL**

*[Filed concurrently with Plaintiff's Notice of  
Motion and Motion; Memorandum of Points and  
Authorities; Declaration of David Yeremian;  
and Declaration of Walter Haines]*

Date: April 21, 2022  
Time: 10:30 a.m.  
Dept.: 12

1 Plaintiff John Pehkonen (“Plaintiff”) filed a Motion (the “Motion”) for an Order (1)  
2 preliminarily approving the Joint Stipulation of Class Action and PAGA Settlement and Release  
3 Settlement reached between the parties; (2) approving the Notice of Class Action Settlement, and  
4 (3) setting the final approval hearing. The hearing on the Motion was set for April 21, 2022 at  
5 10:30 a.m., at Spring Street Courthouse, 312 N. Spring St. Los Angeles, California, 90012  
6 Department 12. Defendant Bureau Veritas Commodities and Trade, Inc. fka Inspectorate  
7 American Corporation, (“Defendant”), did not oppose the Motion. (Plaintiff and Defendant shall  
8 be collectively referred to herein as the “Parties”).

9 The Court, having considered Plaintiff’s Motion, the Memorandum of Points and  
10 Authorities in support thereof and supporting evidence and Declaration, and Defendant’s  
11 agreement with and/or non-opposition to the Motion, hereby ORDERS, ADJUDGES, AND  
12 DECREES as follows:

13 1. The Preliminary Approval Motion is GRANTED and the Parties’ Joint Stipulation  
14 of Class Action and PAGA Claims (the “Settlement” or “Settlement Agreement”) attached to the  
15 Declaration of David Yermian is preliminarily approved.

16 2. This Order incorporates by reference the definitions in the Settlement Agreement  
17 and all terms defined therein shall have the same meaning in this Order.

18 3. The Class is preliminarily certified for settlement purposes only. The class is  
19 defined as: all current and former non-exempt employees of Defendant in the state of California  
20 employed during the Class Period. The Class Period is the period from October 20, 2016 through  
21 February 28, 2022. Should the Settlement not become final, this Order shall be rendered null and  
22 void and shall be vacated, and the fact that the Parties were willing to stipulate to class  
23 certification as part of the settlement shall have no bearing on, nor be admissible in connection  
24 with, the issue of whether a class should be certified in a non-settlement context. Should the  
25 Settlement not become final, the Parties shall revert to their respective positions prior to notifying  
26 the Court of the settlement of the action.

27 4. The class action settlement contemplated by the Settlement Agreement is  
28 preliminarily approved based upon the terms set forth in the Settlement Agreement. The class

1 action settlement appears to be fair, adequate, and reasonable to the Class. The class action  
2 settlement contemplated by the Settlement Agreement falls within the range of reasonableness  
3 that could ultimately be granted final approval by the Court. The preliminary approval of the class  
4 action settlement includes the approval for purposes of the settlement of David Yeremian of  
5 David Yeremian & Associates, Inc, as Class Counsel; John Pehkonen as Class Representative,  
6 and Simpluris as Class Action Administrator. Class Counsel is authorized to act on behalf of the  
7 Class Members with respect to all acts or consents required by or which may be given pursuant to  
8 the Settlement Agreement and the class action settlement contemplated by the Settlement  
9 Agreement, and such other acts reasonably necessary to consummate the settlement. The Class  
10 Action Administrator is authorized to perform such acts as set forth in this Order and the  
11 Settlement Agreement.

12 5. The Court approves the Parties' allocation of \$10,000.00 to settle claims under the  
13 Labor Code Private Attorneys General Act of 2004 ("PAGA"). Pursuant to Labor Code § 2699(i),  
14 75% of this amount, or \$7,500.00, shall be paid to the California Labor & Workforce  
15 Development agency and the remaining 25%, or \$2,500.00, shall be paid to Class Members in the  
16 manner set forth in the Settlement Agreement.

17 6. The Notice of Class Notice Settlement ("Class Notice" or "Notice"), attached to  
18 the Joint Stipulation of Class Action Settlement as **Exhibit A**, advising the Class of material  
19 terms and provisions of this settlement, the procedure for approval thereof, and their rights with  
20 respect thereto are approved as to form and content. The Court approves the procedure set forth in  
21 the Settlement Agreement for Class Members to participate in, opt out of, and object to the  
22 Settlement as set forth in the Notice.

23 7. The Notice shall be sent by first class mail to the Class in accordance with the  
24 schedule set forth below. The dates selected for the mailing and distribution of the Notice Packet  
25 as set forth below meet the requirements of due process and provide the best notice practicable  
26 under the circumstances and shall constitute due and sufficient notice to all persons entitled  
27 thereto:  
28

- 1 a. Deadline for Defendant to provide to Class Action Administrator the class  
2 list and related information in electronic form: 15 business days after the Order  
3 granting preliminary approval.
- 4 b. Deadline for Class Action Administrator to mail the Class Notice by first-  
5 class regular U.S. mail: 10 business days after receiving the class list and related  
6 information.
- 7 c. Deadline for class members to mail requests for exclusion to the Class  
8 Action Administrator: 30 calendar days after the mailing of the Notice.
- 9 d. Deadline for class members to mail objections to the Class Action  
10 Administrator: 30 calendar days after the mailing of the Notice
- 11 e. Deadline for Class Counsel to file a Motion for Final Approval and a  
12 Motion for Attorneys' Fees: \_\_\_\_\_.
- 13 f. A Final Approval Hearing on the question of whether the proposed  
14 settlement, attorneys' fees and costs to Class Counsel, and the class representative  
15 enhancement should be approved as fair, reasonable, and adequate as to the  
16 Settlement Class: \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

17 8. The Joint Stipulation shall not be construed as an admission or evidence of either  
18 liability or the appropriateness of class certification in the non-settlement context, as more  
19 specifically set forth in the Joint Stipulation. Entry of this Order is without prejudice to the rights  
20 of Defendant to oppose certification of a class in this action should the proposed settlement not be  
21 granted final approval.

22 9. The Court accepts for filing the First Amended Complaint attached as Exhibit 2 to  
23 the accompanying Declaration of David Yeremian.

24 10. All further proceedings in this action shall be stayed except such proceedings  
25 necessary to review, approve, and implement this Settlement.

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**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

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HONORABLE CAROLYN KUHL  
JUDGE OF THE SUPERIOR COURT