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10 on behalf of all other similarly situated employees

Filed

BRANDON E. RILEY, CLERK

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SUPERIOR COURT OF CALIFORNIA

FOR THE COUNTY OF SAN JOAQUIN

HECTOR LEON, individually and on
behalf of all other similarly situated
employees,

Plaintiff,

vs

GOLDEN BAY FENCE PLUS IRON
WORKS, INC., a California Corporation;
PAUL CHAVEZ, an individual; NICK
CHAVEZ, an individual; and DOES 1 to 100,
inclusive,

Defendants.

Case No. STK-CV-UOE-2021-0000543

CLASS ACTION

^{KW}
~~[PROPOSED]~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT

Date:

Time: 9:00 a.m.

Dept.: 11B

Judge: Hon. Roger T. Waters

Filed: January 22, 2021

Trial Date: None Set

^{KW}
~~[PROPOSED]~~ ORDER GRANTING PRELIM. APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 The Motion for Preliminary Approval of a Class Action and PAGA Settlement came before this
3 Court, on 9:00 am, in Department 11B before the Honorable Judge Roger T. Waters, presiding. The
4 Court having considered the papers submitted in support of the application of the parties, HEREBY
5 ORDERS THE FOLLOWING:

6 1. The Court grants preliminary approval of the Settlement and the Settlement Class based
7 upon the terms set forth in the Joint Stipulation of Settlement and Release Between Plaintiff and
8 Defendants ("Stipulation of Settlement") filed herewith. All terms used herein shall have the same
9 meaning as defined in the Stipulation of Settlement.

10 2. The settlement set forth in the Joint Stipulation of Settlement and Release Between
11 Plaintiff and Defendants appears to be fair, adequate and reasonable to the Class. The Settlement falls
12 within the range of reasonableness and appears to be presumptively valid, subject only to any objections
13 that may be raised at the final fairness hearing and final approval by this Court.

14 3. A final fairness hearing on the question of whether the proposed Settlement, attorneys'
15 fees to Class Counsel, costs of administration and the Class Representatives' Enhancement Award
16 should be finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled
17 in Department 11B on the date and time set forth in the implementation schedule in Paragraph 10 below.

18 4. This Court approves, as to form and content, the Claim Form (Exhibit G), and the Notice
19 of Pendency of Class Action, Proposed Settlement and Hearing Date for Final Court Approval
20 ("Notice") (Exhibit F). The Court approves the procedure for Class Members to participate in, to opt
21 out of, and to object to, the Settlement as set forth in the Joint Stipulation of Settlement and Release
22 Between Plaintiff and Defendants and Notice.

23 5. The Court directs the mailing of the Notice of Pendency of Class Action and Proposed
24 Settlement, and the Claim Form by first class mail to the Class Members in accordance with the
25 Implementation Schedule set forth below. The Court finds the dates selected for the mailing and
26 distribution of the Notice and the Claim Form, as set forth in the Implementation Schedule, meet the
27 requirements of due process and provide the best notice practicable under the circumstances and shall
28 constitute due and sufficient notice to all persons entitled thereto.

XTW

1 6. It is ordered that the Settlement Class is preliminarily certified for settlement purposes
2 only.

3 7. The Court confirms Plaintiff Hector Leon as Class Representative, and Galen T.
4 Shimoda, Justin P. Rodriguez and Jessica L. Hart of Shimoda Law Corp. as Class Counsel.

5 8. The Court confirms the appointment of Simpluris, Inc. as the Claims Administrator.

6 9. To facilitate administration of the Settlement pending final approval, the Court hereby
7 enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or administrative
8 proceedings (including filing claims with the Division of Labor Standards Enforcement of the California
9 Department of Industrial Relations) regarding claims released by the Settlement, unless and until such
10 Class Members have filed valid Requests for Exclusion with the Claims Administrator and the time for
11 filing claims with the Claims Administrator has elapsed.

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

13	a.	Deadline for Defendant to Submit Class Member Information to Claims Administrator	[30 calendar days after Order granting Preliminary Approval]
14	b.	Deadline for Claims Administrator to Mail Notice and Claim Form to Class Members	[60 calendar days after Order granting Preliminary Approval]
15	c.	Deadline for Class Members to Postmark Claim Forms	[60 calendar days after mailing of the Notice and Claim Form]
16	d.	Deadline for Class Members to Postmark Requests for Exclusion	[60 calendar days after mailing of the Notice and Claim Form]
17	e.	Deadline for Receipt by Court, Claims Administrator, and Counsel of any Objections to Settlement	[60 calendar days after mailing of the Notice and Claim Form]
18	f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days before Final Approval Hearing]

g.	Deadline for Claims Administrator to file Declaration of Due Diligence and Proof of Mailing	[16 Court days before Final Approval Hearing]
h.	Deadline for Defendant to provide written Notice of Rescission of Settlement to Class Counsel (if applicable)	[10 calendar days before Final Approval Hearing, provided the number and percentage of opt outs previously provided to Defendant]
i.	Final Fairness Hearing and Final Approval	Date: July 19, 2022 Time: 9:00 a.m. Department: 11B
j.	Deadline for Defendant to fund settlement	[21 calendar days after Effective Date]
k.	Deadline for Claims Administrator to mail the Settlement Awards, the Enhancement Award, and the Attorneys' Fees and Costs (if Settlement is Effective)	[35 calendar days after Effective Date]
l.	Deadline for Class Members to cash settlement checks (if Settlement is Effective)	[120 calendar days after Claims Administrator mails the Settlement Awards and the Enhancement Awards]
m.	Deadline for Claims Administrator to distribute uncashed check amount to <i>cy pres</i> beneficiaries (if Settlement is Effective)	[Within 14 calendar days after the deadline for class members to cash Settlement checks]
n.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs, <i>cy pres</i> payments, and payment to the LWDA (if Settlement is Effective)	[Within 21 calendar days after the deadline for Claims Administrator to pay and unclaimed residue from uncashed checks to <i>cy pres</i> beneficiaries]

IT IS SO ORDERED.

Dated: 1/25/2022


JUDGE OF THE SUPERIOR COURT