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JOSE AGUILAR

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

JOSE AGUILAR, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

KNE, LLC, a California limited liability
company, dba H20 LOGISTICS; and DOES 1
through 100,

Defendants.

Case No. 20STCV05676

*[Assigned for All Purposes to Hon. Kenneth R.
Freeman, SSC-14]*

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: May 6, 2021
Time: 10:00 a.m.
Dept.: SSC-14

Action Filed: February 13, 2020
Trial Date: None Set

1 The Motion of Plaintiff Jose Aguilar ("Plaintiff") for Preliminary Approval of Class Action
2 Settlement will come on regularly for hearing before this Court on May 6, 2021 at 10:00 a.m. The
3 Court, having considered the proposed Amended Stipulation of Settlement (the "Settlement"), attached
4 as Exhibit B to the Supplemental Declaration of Scott M. Lidman filed concurrently with the Motion;
5 having considered Plaintiff's Motion for Preliminary Approval of Class Action Settlement,
6 Memorandum of Points and Authorities in support thereof and Supplemental Brief, and supporting
7 declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set forth in
9 the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately
10 could be granted approval by the Court at a Final Fairness Hearing. For purposes of the Settlement,
11 the Court finds that the proposed Settlement Class is ascertainable and that there are a sufficiently well-
12 defined community of interest among the members of the Settlement Class in questions of law and fact.
13 Therefore, for settlement purposes only, the Court grants conditional certification of the following
14 Settlement Class:

15 All current and former non-exempt, hourly employees of Defendant KNE,
16 LLC dba H2O Logistics who worked in California at least one (1) day at
17 any time from February 13, 2016 through date of preliminary approval of
the Settlement.

18 2. For purposes of the Settlement, the Court designates named Plaintiff Jose Aguilar as
19 Class Representative, and Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC
20 and Paul Haines of Haines Law Group, APC as Class Counsel.

21 3. The Court designates Phoenix Settlement Administrators as the third-party Settlement
22 Administrator for mailing notices.

23 4. The Court approves, as to form and content, the Notice Packet (which is comprised of the
24 Notice of Pendency of Class Action and Settlement and Notice of Settlement Award) which is attached
25 to the Settlement as Exhibit A.

26 5. The Court finds that the form of notice to the Settlement Class regarding the pendency of
27 the action and of the Settlement, and the methods of giving notice to members of the Settlement Class,
28 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient

1 notice to all members of the Settlement Class. The form and method of giving notice complies fully
2 with the requirements of California Code of Civil Procedure section 382, California Civil Code section
3 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and
4 other applicable law.

5 6. The Court further approves the procedures for Settlement Class Members to opt out of or
6 object to the Settlement, as set forth in the Class Notice.

7 7. The procedures and requirements for filing objections in connection with the Final
8 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
9 presentation of any Settlement Class Member's objection to the Settlement, in accordance with the due
10 process rights of all Settlement Class Members.

11 8. The Court directs the Settlement Administrator to mail the Notice Packet to the members
12 of the Settlement Class in accordance with the terms of the Settlement.

13 9. The Class Notice shall provide at least 45 calendar days' notice for members of the
14 Settlement Class to opt out of, or object to, the Settlement.

15 10. The Final Fairness Hearing on the question of whether the Settlement should be finally
16 approved as fair, reasonable, and adequate is scheduled in Department SSC-14 of this Court, located at
17 312 N. Spring Street, Los Angeles, California 90012 on _____, 2021 at _____ a.m. /
18 p.m.

19 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should
20 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment
21 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for
22 reasonable attorneys' fees, reimbursement of litigation expenses, service award to Plaintiff, and payment
23 to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code
24 Private Attorneys General Act ("PAGA") should be granted.

25 12. Counsel for the parties shall file memoranda, declarations, or other statements and
26 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
27 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA for
28 PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil

Procedure and the California Rules of Court.

13. An implementation schedule is below:

Event	Date	Actual Date ¹
Defendant to provide Class Data to Settlement Administrator	15 calendar days after issuance of the preliminary approval order	May 21, 2021
Settlement Administrator to mail Notice Packets to Class Members	10 business days after receiving Class Information from Defendant	June 7, 2021
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	45 calendar days after mailing of the Notice by the Settlement Administrator	July 22, 2021
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:		
Final Fairness Hearing:	_____, 2021	

14. Pending the Final Fairness Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

15. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

Dated: _____, 2021

Honorable Kenneth R. Freeman
Judge of the Superior Court

¹ These dates are based on the Court granting preliminary approval at the hearing, currently noticed for May 6, 2021.