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15 on behalf of himself and others similarly situated

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF SAN BERNARDINO**

18 KEVIN J. MCDONALD, on behalf of himself
19 and others similarly situated,

20 Plaintiff,

21 vs.

22 COOPER LIGHTING LLC; COOPER
23 LIGHTING SOLUTIONS; EATON'S
24 LIGHTING BUSINESS; GFSS – EATON
25 CORPORATION; EATON CORPORATION;
26 and DOES 1 to 100, inclusive,

27 Defendants.

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

APR 22 2022

By 
Deputy

Case No.: CIVSB2101433

CLASS ACTION

BY FAX

[Assigned for all purposes to the Hon. David S. Cohn, Dept. S26]

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement; Declaration of Melissa A. Huether in
Support Thereof]*

Hearing Information:

Date: April 22, 2022

Time: 10:00 a.m.

Dept.: S26

1 The Motion for Preliminary Approval of a Settlement came before this Court on April 22,
2 2022 at 10:00 a.m. in Department S26 of Los Angeles County Superior Court located at 247 West
3 Third St., San Bernardino, California 92415. The Court, having considered the proposed Joint
4 Stipulation of Settlement and Release attached as **Exhibit 1** to the Declaration of Melissa A.
5 Huether in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement, and
6 the Exhibits attached thereto (hereafter collectively, the "Settlement" or "Settlement Agreement");
7 having considered the Motion for Preliminary Approval of Class Action Settlement filed by the
8 parties; having considered the respective points and authorities and declarations submitted by the
9 parties in support thereof; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

17 any and all current and former hourly non-exempt employees of
18 Defendants employed in Bloomington, California during the time period
19 from January 25, 2020 through and including May 31, 2021.

20 1. For purposes of the settlement, the Court further designates named Plaintiff Kevin J.
21 McDonald as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., Pooja Patel,
22 Esq., and Melissa A. Huether, Esq. of Lavi & Ebrahimian, LLP as Class Counsel.

23 2. The Court appoints Simpluris, Inc. as the Settlement Administrator.

24 3. A final fairness hearing on the question of whether the proposed settlement should
25 be finally approved as fair, reasonable and adequate as to the members of the Settlement Class is
26 scheduled in Department S26 of this Court, located at 247 W. Third St., San Bernardino, California
27 92415, on 8/22/22, 2022, at 10:00 a.m./p.m.

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1 4. At the final fairness hearing, the Court will consider: (a) whether the settlement
2 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
3 approval of the settlement should be entered; and (c) whether Plaintiff's application for an award of
4 attorneys' fees, reimbursement of litigation expenses, and class representative enhancement should
5 be granted.

6 5. Counsel for the parties shall file memoranda, declarations, or other statements and
7 materials in support of their request for final approval by no later than 16 court days prior the final
8 fairness hearing.

9 6. Class Counsel shall file a motion for an award of attorneys' fees, reimbursement of
10 litigation expenses and class representative enhancement by no later than 16 court days prior to
11 the final fairness hearing.

12 7. The Court approves, as to form and content, the Class Notice which is attached to
13 the Settlement Agreement as Exhibit A.

14 8. Within fifteen (15) calendar days after the entry of this Order, Defendants shall
15 provide the Settlement Administrator the name, last known address, and Social Security number of
16 each Settlement Class Member, along their dates of employment and any other information needed
17 to calculate Individual Settlement Payments and Individual PAGA Payments ("Class Data").

18 9. Within fifteen (15) calendar days of receipt of the Class Data from Defendants, the
19 Settlement Administrator shall mail the Class Notice to all Settlement Class Members via first-class
20 U.S. mail.

21 10. Settlement Class Members shall have forty-five (45) calendar days from the date of
22 the postmark on the Class Notice, to return to the Settlement Administrator, Requests for
23 Exclusion, disputes, or Objections ("Response Deadline"), or within fifteen (15) calendar days
24 after the postmark of a Class Notice re-mailed to a corrected address for that Settlement Class
25 Member, whichever is later.

26 11. The Court finds that the forms of Class Notice to the Settlement Class regarding
27 the pendency of the action and of this settlement, and the methods of giving notice to members of
28 the Settlement Class constitute the best notice practicable under the circumstances and constitute

1 valid, due, and sufficient notice to all members of the Settlement Class. They comply fully with
2 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,
4 and other applicable law.

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

8 13. Any Participating Class Member who wishes to object to the Settlement must do so
9 in writing. To be valid, the Objection must: (1) contain the name, address, and the last four digits
10 of the Social Security number of the person objecting; (2) be signed by the Participating Class
11 Member; (3) state the grounds on which the Participating Class Member is objecting as well as any
12 documents or evidence supporting his or her objection(s); and (4) be postmarked or fax stamped by
13 the Response Deadline and returned to the Settlement Administrator at the specified address or fax
14 telephone number stated in the Class Notice. If no written objection is submitted, the Participating
15 Class Member may still appear at the final settlement hearing to object.

16 14. Settlement Class Members who wish to exclude themselves from the Settlement
17 must mail a written Opt-Out Letter or Request for Exclusion from the Settlement to the
18 Settlement Administrator. To be valid, the written request for exclusion must be addressed to the
19 Settlement Administrator and: (1) make the following statement or a similar statement: "I wish to
20 exclude myself from the settlement reached in the matter of *McDonald v. Cooper Lighting, et al.* I
21 understand that, by excluding myself, I will not receive any money (other than the PAGA
22 Settlement Amount) from the settlement reached in this matter"; (2) contain the name, address, and
23 the last four digits of the Social Security number of the person requesting exclusion; (3) be signed
24 by the Settlement Class Member; and (4) be postmarked or fax stamped by the Response Deadline
25 and returned to the Settlement Administrator at the specified address or fax telephone number stated
26 in the Class Notice. Any Class Member who returns a timely, valid, and signed Request for
27 Exclusion from the Settlement will not participate in or be bound by the Settlement and
28 subsequent judgment and will not receive any payment from the Settlement.

1 15. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
2 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
3 Order, are stayed.

4 16. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
5 connection with the administration of the settlement which are not materially inconsistent with
6 either this Order or the terms of the Stipulation.

7 17. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendants to provide the Settlement Administrator the Class Data	15 calendar days after the Court's entry of this Order
Notice Date: last day for Settlement Administrator to mail Class Notice to Settlement Class Members.	15 calendar days after receipt of the Class Data from Defendants
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; and (ii) last day for class members to submit Objections.	45 calendar days after the date of mailing of the Class Notice
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 calendar days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 calendar days prior to the final fairness hearing
Hearing on final approval of class action settlement.	8/22/22 @ 10:00 AM

18 18. The Fairness Hearing and related prior deadlines set forth above may, from time to
19 time and without further notice to the Settlement Class (except those who have filed timely and
20 valid objections), be continued or adjourned by Order of the Court.
21
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23 **IT IS SO ORDERED.**

24 Dated: 4/22/22

DAVID COHN

Hon. David S. Cohn
Judge of the Superior Court