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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

NICOLAS LUCERO, individually, on behalf of
all others similarly situated,

Plaintiff,

v.

NISSHO OF CALIFORNIA, INC., a limited
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 37-2021-00001528-CU-OE-CTL
Consolidated with Case No. 37-2022-
00012006-CU-OE-CTL

CLASS & REPRESENTATIVE ACTION

*[Assigned for all purposes to: Hon. Wendy
M. Behan, Dept. C-66]*

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

PRELIMINARY APPROVAL HEARING

Date: September 19, 2025

Time: 10:15 a.m.

Dept: C-66

Complaint filed: January 13, 2021

Trial date: not set

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12 *Attorneys for Plaintiff Julian Mendoza Padilla*

1 The Court has before it Plaintiffs Nicolas Lucero and Julian Mendoza Padilla
2 (collectively, “Plaintiffs”) Motion for Preliminary Approval of Class Action Settlement.
3 Having reviewed the Motion for Preliminary Approval of Class Action Settlement, along with
4 the accompanying papers, the Class Action and PAGA Settlement Agreement and Class Notice
5 (which is referred to here as the “Settlement Agreement”), and good cause appearing, the Court
6 hereby finds and orders as follows:

7 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
8 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
9 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
10 the terms set forth in the Settlement Agreement between Plaintiffs and Defendant Nissho of
11 California, Inc. (“Defendant,” and together with Plaintiffs, the “Parties”), attached to the
12 Declaration of Benjamin H. Haber in Support of Plaintiffs’ Motion for Preliminary Approval of
13 Class Action Settlement as Exhibit 1.

14 2. The Settlement falls within the range of reasonableness of a settlement which
15 could ultimately be given final approval by this Court, and appears to be presumptively valid,
16 subject only to any objections that may be raised at the Final Approval Hearing and final
17 approval by this Court. The Court notes that Defendant has agreed to create a common fund of
18 \$1,200,000.00 to cover (a) settlement payments to class members who do not validly opt out;
19 (b) a \$100,000.00 payment for settlement of claims for penalties under the Private Attorneys
20 General Act (“PAGA”), with 75% of which (\$75,000.00) being paid to the State of California,
21 Labor & Workforce Development Agency (“LWDA”) for its share and 25% (\$25,000.00) being
22 paid to eligible Allegedly Aggrieved Employees; (c) Class Representative service payments of
23 up to \$10,000.00 each for Plaintiff Lucero and Padilla (\$20,000.00 total); (d) Class Counsel’s
24 attorneys’ fees, not to exceed 35% of the Gross Settlement Amount (\$420,000.00), and up to
25 \$50,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement
26 Administration Costs of up to \$25,000.00.

27 3. The Court preliminarily finds that the terms of the Settlement appear to be within
28 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and

1 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair
2 and reasonable to the class members when balanced against the probable outcome of further
3 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
4 significant informal discovery, investigation, research, and litigation have been conducted such
5 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
6 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
7 by the further prosecution of the litigation; and (4) the proposed settlement has been reached as
8 the result of intensive, serious, and non-collusive negotiations between the Parties with the
9 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
10 that the Settlement Agreement was entered into in good faith.

11 4. A final fairness hearing on the question of whether the proposed settlement,
12 attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement
13 of claims for penalties under the PAGA, and the class representatives' enhancement awards
14 should be finally approved as fair, reasonable and adequate as to the members of the settlement
15 class is hereby set in accordance with the Implementation Schedule set forth below.

16 5. The Court provisionally certifies for settlement purposes only the following class
17 (the "Settlement Class"): "all persons employed by Defendant in California and classified as an
18 hourly-paid or non-exempt employee who worked for Defendant during the Class Period."

19 6. The Court finds, for settlement purposes only, that the Settlement Class meets the
20 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
21 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
22 of law and fact that are common, or of general interest, to all Settlement Class Members, which
23 predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the
24 Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect
25 the interests of the Settlement Class Members; and (5) a class action is superior to other
26 available methods for the fair and efficient adjudication of the controversy.

27 7. The Court appoints as Class Representative, for settlement purposes only,
28 Plaintiffs Nicolas Lucero and Julian Mendoza Padilla. The Court further preliminarily approves

Plaintiff's ability to request incentive awards up to \$10,000.00 each (\$20,000.00 total).

8. The Court appoints, for settlement purposes only, Benjamin H. Haber, Arrash T. Fattahi, and Daniel J. Kramer of Wilshire Law Firm, PLC and James R. Hawkins, Isandra Fernandez, and Lance Dacre of James Hawkins, APLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to 35% of the Total Settlement Amount (\$420,000.00), and costs not to exceed 50,000.00.

9. The Court appoints Apex Class Action Administration as the Settlement Administrator with reasonable administration costs estimated not to exceed \$25,000.00.

10. The Court approves, as to form and content the Class Notice, attached to the Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the Notice to Settlement Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

11. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

12. Any class member who does not timely and validly request exclusion from the settlement may object to the Settlement Agreement.

13. The Court orders the following Implementation Schedule:

Defendant to provide Class List to the Settlement Administrator	Within 15 days after the Court grants Preliminary Approval of the Settlement
Settlement Administrator to mail the Class Notice	Within 14 days after receipt of the Class List from the Defendant
Response Deadline	45 days after Class Notice is mailed out by the Settlement Administrator
Deadline to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Service Award to Plaintiffs	16 court days before hearing on Motion for Final Approval, which is _____;

1
2
3 Final Approval Hearing
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_____ at _____ a.m./p.m., or
first available date thereafter, in Department
C-66. The hearing may be continued to
another date without further notice to the
Class Members.

6 14. The Court further ORDERS that, pending further order of this Court, all proceedings
7 in this lawsuit, except those contemplated herein and in the settlement, are stayed.

8 **IT IS SO ORDERED.**
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11 DATE:

Hon. Wendy M. Behan
San Diego County Superior Court
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