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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES – POMONA COURTHOUSE SOUTH**
11

12 HERIBERTO MARQUEZ, on behalf of
13 himself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*,

14 Plaintiffs,

15 v.

16 P & B INTERMODAL SERVICES
17 LIMITED LIABILITY COMPANY, a
New Jersey limited liability company, and
18 DOES 1 through 10, inclusive,

19 Defendants.
20

Case No.: 21PSCV00224

*Assigned For All Purposes to the Honorable Judge
Peter A. Hernandez, Dept. O*

**[PROPOSED] ORDER (1) GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND (2)
GRANTING LEAVE TO FILE FIRST
AMENDED COMPLAINT**

DATE: April 26, 2022

TIME: 9:30 a.m.

DEPT.: O

Reservation No.: 985275804395

Action Filed: February 9, 2021

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22
23 Plaintiff Heriberto Marquez’s (“Plaintiff”) Unopposed Motion for Preliminary Approval of
24 Class Action Settlement and for Leave to File First Amended Complaint came on for hearing before
25 this Court in Department O, Judge Peter A. Hernandez presiding, on April 26, 2022. The Court,
26 having considered the papers submitted in support of the motion and having heard oral argument
27 of the parties, **HEREBY ORDERS THE FOLLOWING:**
28

1 1. The Court grants preliminary approval of the settlement based upon the terms set
2 forth in the Stipulation of Settlement (“Stipulation”) filed with the Court. The settlement appears
3 to be fair, adequate, and reasonable to the Class;

4 2. The Court finds that the settlement falls within the range of reasonableness and
5 appears to be presumptively valid, subject only to any objections that may be raised at the final
6 hearing;

7 3. The Court approves, as to form and content, the Notice of Proposed Settlement of
8 Class Action and Hearing Date for Final Court Approval (“Notice”) and the Workweek Dispute
9 Form, and also approves the procedure for members of the Class to exclude themselves from or
10 object to the settlement, as set forth in the Notice;

11 4. The Court directs the mailing of the Notice and Workweek Dispute Form by first
12 class mail to the Settlement Class Members in accordance with the schedule set forth below. The
13 Court finds that the dates selected for the mailing and distribution of the Notice and Workweek
14 Dispute Form, as set forth herein, meet the requirements of due process and provide the best notice
15 practicable under the circumstances and shall constitute due and sufficient notice to all persons
16 entitled thereto;

17 5. It is ordered that the Settlement Class is preliminarily certified for settlement
18 purposes only. The Settlement Class is defined as follows: All persons who are or were employed
19 by P&B Intermodal Services, LLC in the State of California in a non-exempt position during the
20 Settlement Period [March 17, 2017 to November 1, 2021];

21 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
22 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys’ fees
23 of up to one-third of the Settlement Amount (or \$146,333.33) and documented litigation costs of
24 up to \$12,000 to Class Counsel, subject to final approval by the Court following a further motion
25 by Class Counsel;

26 7. The Court approves and appoints Plaintiff Heriberto Marquez as the Class
27 Representative and grants preliminary approval to a proposed Enhancement in an amount not to
28 exceed \$10,000;

8. The Court grants preliminary approval of the allocation of \$20,000 to penalties under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$15,000) shall be paid to the LWDA and 25% (\$5,000) will be distributed equally to the PAGA Members, regardless of whether they exclude themselves from the Settlement or not;

9. The Court hereby approves and appoints ILYM Group, Inc. as the Settlement Administrator and grants preliminary approval of the payment of fees and other charges of the Settlement Administrator in an amount not to exceed \$7,500;

10. The Court grants Plaintiff leave to file the First Amended Class and Representative Action Complaint attached as Exhibit C to the Stipulation, within five (5) court days of the entry of this Order, and consents that Defendant is not required to file a responsive pleading thereto;

11. The Court orders the following schedule of dates for the specified actions/further proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including their (1) name; (2) last known home address; (3) number of workweeks as a class member during the Settlement Period or the dates of employment for each Settlement Class member; and (4) Social Security number ("Class List")	30 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Workweek Dispute Form to Class Members	10 calendar days after receipt of Class List
Last day for Class Members to submit an exclusion request or Workweek Dispute Form to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Members to submit an Objection to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	10 calendar days before the final settlement approval hearing date
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days before the final settlement approval hearing date

<u>EVENT</u>	<u>TIMING</u>
Final settlement approval hearing	_____, 2022, at _____.m. (approximately 105 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT