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and Adam Sardoni and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

DEREK DOWNEY, ADAM SARDONI,
individually and on behalf of all similarly
situated individuals, on behalf of the
general public, and all “aggrieved
employees” pursuant to Labor Code § 2698
et seq.

Plaintiffs,

v.

NATIONAL TECHNICAL SYSTEMS,
INC., a California corporation, and DOES
1 through 10, inclusive,

Defendants.

Case No.: 22STCV00946

Assigned to the Hon. Stuart M. Rice, Dept. 1

CLASS ACTION

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

DATE: January 11, 2023

TIME: 10:30 a.m.

DEPT.: SSC-1

Action Filed: May 4, 2021

Plaintiffs Derek Downey and Adam Sardoni’s (collectively, “Plaintiffs”) motion for preliminary approval of class action settlement came on for hearing before this Court in Department SSC-1, Judge Stuart M. Rice presiding, on January 11, 2023. The Court, having considered the papers submitted in support of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

1. The Court grants preliminary approval of the settlement based upon the terms set forth in the Joint Stipulation of Class Action Settlement and Release Between Plaintiffs, on Behalf

1 of Themselves and All Others Similarly Situated and Aggrieved, and Defendant (“Settlement
2 Agreement”) filed with the Court. The settlement appears to be fair, adequate, and reasonable to
3 the Class;

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

6 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
7 Class Action Settlement and Final Hearing (“Notice”);

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

13 5. It is ordered that the settlement class is preliminarily certified for settlement
14 purposes only. The Settlement Class is defined as follows: all persons employed in California by
15 Defendant National Technical Systems, Inc., NTS Technical Systems, NTS Engineering Services,
16 Inc., Unitek Technical Services, Inc., or National Quality Assurance-USA, Inc. as current or former
17 hourly-paid or non-exempt employees at any time during the period between May 4, 2017, through
18 June 13, 2022;

19 6. The Court confirms Daniel F. Gaines, Esq. and Alex P. Katofsky, Esq. of Gaines &
20 Gaines, APLC as Class Counsel;

21 7. The Court confirms Derek Downey and Adam Sardoni as the Class Representatives;

22 8. The Court grants preliminary approval of the Private Attorneys General Act
23 payment of \$15,000 to the Labor and Workforce Development Agency;

24 9. The Court hereby approves Phoenix Class Action Settlement Administration
25 Solutions as the Settlement Administrator and grants preliminary approval of the payment of fees
26 and other charges of the Settlement Administrator in an amount not to exceed \$12,000; and

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendants to provide to the Settlement Administrator a "Class List" in readable Microsoft Office Excel spreadsheet that will include Class Members' names, last-known addresses, last-known telephone numbers, social security numbers, and workweek data (i.e., the start and end dates of employment for each class member for the Settlement Administrator to use in calculating the workweeks) during the Class Period (the "Class List")	15 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice to Class Members via U.S. Mail	28 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Class Members to submit a written Request for Exclusion to 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	_____, 2023
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	_____, 2023
Final settlement approval hearing	_____, 2023, at _____. The Parties suggest the final approval hearing be held approximately 120 days after this preliminary approval order is signed.

Dated: _____

JUDGE OF THE SUPERIOR COURT