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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE**

HECTOR MARTINEZ, individually and as an
aggrieved employee and Private Attorney
General,

Plaintiff,

vs.

COLLEGE WORKS ISM, INC.; COLLEGE
WORKS PAINTING, INC.; CWPNC, INC.;
EMPAUS, INC.; EMPCC, INC.; EMPFL,
LLC; EMPIE, INC. d.b.a. EMPIRE WORKS
RECONSTRUCTION AND PAINTING,
EMPIE, INC.; EMPJAX, LLC; EMPNC, INC.;
EMPPBI, LLC; EMPSD, INC.; MJP EMPIRE,
INC.; NATIONAL SERVICES GROUP, INC.;
and DOES 1 through 50, inclusive
Defendants. California corporation; EMPIE,
INC. d.b.a. EMPIRE WORKS
RECONSTRUCTION AND PAINTING, a
Nevada corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 30-2022-01263687-CU-OE-CXC

*Assigned for All Purposes to Hon. Randall J.
Sherman, Dept. CX105*

CLASS ACTION

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

Date: June 6, 2025

Time: 10:00 a.m.

Dept: CX-105

Reservation ID: 1000534147

Complaint Filed: February 16, 2021

SAC Filed: January 31, 2022

Trial Date: Not set

[PROPOSED] ORDER

The Motion of Plaintiff Hector Martinez (“Plaintiff”) for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) for the Action entitled *Hector Martinez v. S D P, et al.*, Orange County Superior Court, Case No. 30-2021-01184079-CU-OE-CXC, came regularly for hearing before this Court on June 6, 2025. The Court, having considered the proposed Joint Stipulation of Class Action Settlement and PAGA Settlement attached as **Exhibit 2** to the Declaration of Heather Davis in Support of Plaintiff’s Motion for Preliminary Approval (“Settlement Agreement”); having considered Plaintiff’s Motion, memorandum of points and authorities in support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing. All terms used herein shall have the same meaning as defined in the Settlement Agreement. For purposes of the Settlement only, the Court finds that the proposed Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following settlement Class:

All current and former hourly-paid, non-exempt employees employed by Defendants within the State of California at any time between February 16, 2017, and ending on the date the Court grants preliminary approval of settlement.

2. For purposes of the Settlement only, the Court designates Plaintiff Hector Martinez as Class Representative, and designates Protection Law Group, LLP as Class Counsel.

3. The Court designates ILYM Group, Inc. as the third-party Settlement Administrator.

4. The Parties are ordered to implement the Settlement according to the terms of the Settlement Agreement.

5. The Court approves, as to form and content, the Notice Packet (the Class

Settlement Notice, Request for Exclusion Form, and Objection Form) attached as Exhibit A to the Settlement Agreement.

6. The Court finds that the form of notice to the Class as regarding the pendency of the action and of the Settlement, the dates selected for mailing and distribution, and the methods of giving notice to members of the Class, satisfy the requirements of due process, constitute the best notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all members of the Class. The form and method of giving notice complies fully with the requirements of California Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of Court §§ 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

7. The Court further approves the procedures for Class Members to opt-out of or object to the Settlement, as set forth in the Notice Packet and the Settlement Agreement. The procedures and requirements for filing objections in connection with the final fairness hearing are intended to ensure the efficient administration of justice and the orderly presentation of any Class Member's objection to the Settlement, in accordance with the due process rights of all Class Members.

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

9. The Notice Packet shall provide sixty (60) calendar days' notice for Class Members to submit disputes, opt-out of, or object to the Settlement.

10. The hearing on Plaintiff's Motion for Final Approval of Settlement on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in Department CX-105 of this Court, located at 751 West Santa Ana Boulevard, Santa Ana, California 92701, on _____, at _____ a.m./p.m.

11. At the Final Fairness hearing, the Court will consider: (a) whether the Settlement should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for an Incentive Payment to the Class Representative, Settlement Administration Costs, and Class

Counsel's attorney's fees and costs, should be granted.

12. Counsel for the Parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of Plaintiff's application for Enhancement Payment to the Class Representative, Settlement Administration Costs, and Class Counsel's attorneys' fees and costs, prior to the hearing on Plaintiff's Motion for Final Approval of Settlement 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
Defendant to provide Class List to the Settlement Administrator no later than:	June 20, 2025 [14 days following preliminary approval]
Settlement Administrator to mail the Notice Packet to the Class no later than:	June 27, 2025 [7 days following receipt of the Class List]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	August 26, 2025 [60 calendar days after mailing of the Notice]
Deadline for Plaintiff to file Motion for Final Approval of Class Action and PAGA Settlement:	September 10, 2025 [16 court days before the Final Approval Hearing]
Hearing on Motion for Final Approval of Settlement: [<i>proposed date</i> : October 3, 2025]	

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.

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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:

By: HON. RANDALL J. SHERMAN
JUDGE OF THE SUPERIOR COURT