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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

**CASCADE DRILLING WAGE AND
HOUR CASES**

List of Actions:

Martinez, et al. v. Cascade Drilling LP,
Alameda Case No. RG21090743

Lilla v. Cascade Drilling, LP, Contra Costa
Case No. C211568

Case No: JCCP 5215

ASSIGNED FOR ALL PURPOSES TO
JUDGE STEPHEN KAUS, DEPARTMENT 19

CLASS & REPRESENTATIVE ACTION

**[PROPOSED] ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PRIVATE ATTORNEY GENERAL ACT
SETTLEMENT**

Time: 3:00 p.m.
Date: January 9, 2023
Dept: 19

Reservation No: 218655095643

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1 Plaintiffs Eugene Martinez, Robert Williams and Jonathan Lilla (collectively “Plaintiffs”)
2 and Cascade Drilling, L.P. (“Defendant” or “Cascade”) have entered into a “Stipulation of Class
3 Action and Private Attorney General Act Settlement and Release” (“Stipulation”) which, if
4 approved, would resolve this putative class action and representative Private Attorney General
5 Act, Labor Code §§ 2699, *et seq.*, action. Upon review and consideration of the motion papers
6 submitted by the parties, including the Stipulation and all exhibits thereto, the Court determines
7 and orders as follows:

8 1. The Court has jurisdiction over this matter and venue is proper.

9 2. This action is provisionally certified as a class action, for settlement purposes
10 only, pursuant to California Code of Civil Procedure Section 382 and California Rule of
11 Court rule 3.763. The Class is defined as follows: “all persons who worked for Defendant as
12 non-exempt, hourly employees in California at any time from September 6, 2016 through June
13 30, 2022.” The “Class Period” refers to the period from September 6, 2016 through June 30,
14 2022 inclusive.

15 3. The Court finds that the term “PAGA Members” means all persons who worked
16 for Defendant as non-exempt, hourly employees in California at any time from February 4, 2020
17 through June 30, 2022, referred to as the PAGA Period.

18 4. The Court preliminarily approves the proposed settlement as set forth in the
19 Stipulation as within the range of possible final approval.

20 5. The Court preliminarily appoints Keller Grover LLP, Capstone Law APC, and
21 Lawyers for Justice, P.C. as Class Counsel.

22 6. The Court preliminarily appoints Eugene Martinez, Robert Williams and Jonathan
23 Lilla as Class Representatives for the Class.

24 7. The Court preliminarily finds, for purposes of this settlement only, that the Class
25 Representative and Class Counsel fairly and adequately represent and protect the interests of the
26 absent Class Members.

27 8. The Court approves and appoints Simpluris, Inc. (“Simpluris”) to serve as the
28 Settlement Administrator and directs Simpluris to carry out all duties and responsibilities of the

Settlement Administrator specified in the Stipulation.

9. Pursuant to California Rules of Court rule 3.769, the Court approves the manner of class notice set forth in the Stipulation. The Court approves the form and content of the notice form proposed by counsel, specifically the Notice of Class Action Settlement (“Class Notice”), which is attached to the Stipulation as **Exhibit 1**. The Court finds that the Class Notice constitutes the best notice practicable under the circumstances and is valid, due and sufficient notice to the Class of the pendency of the action, preliminary certification of the Class, the terms of the settlement, procedures to become a Participating Class Member (as defined in the Stipulation), procedures for objecting to the settlement, procedures to opt out of the settlement, and the time and place of the Final Approval Hearing. The proposed manner of class notice satisfies the requirements of due process, and complies with applicable law, including California Code of Civil Procedure Section 382 and California Rules of Court rule 3.769.

10. No later than 20 calendar days after this Order is entered by the Court, according to the terms set forth in the Stipulation, Defendant shall provide the Settlement Administrator with a complete list of all Class Members and PAGA Members that Defendant will diligently and in good faith compile from its records (“the Class and PAGA Member List”), which must be formatted in Microsoft Office Excel and include each Class Member’s and PAGA Member’s full name; most recent mailing address and telephone number; Social Security number; dates of employment; the respective number of Qualifying Workweeks that each Class Member worked during the Class Period; the total number of pay periods each PAGA Member worked during the PAGA Period; and any other relevant information needed to calculate settlement payments.

11. Within 10 calendar days after receiving the Class and PAGA Member List from Defendant, the Settlement Administrator shall send Class Members and PAGA Members the Court-approved Class Notice by first-class mail to their last known addresses. The Settlement Administrator will perform address updates and verifications as necessary prior to the first mailing.

12. If any Class Notice is returned as undeliverable, the Settlement Administrator shall perform skip-traces on returned mail and will re-mail the Class Notice Packets to updated

addresses (if any) as soon as possible upon return of the undeliverable Class Notice.

13. Class Members who wish to receive a settlement payment are not required to submit a claim form.

14. Class Members will have the opportunity, should they disagree with the employment dates or the number of Qualifying Workweeks stated in their Notice of Class Action Settlement, to produce evidence to the Settlement Administrator showing that such information is inaccurate. Defendant's records will be presumed correct, but the Settlement Administrator shall contact the Parties regarding the dispute and the Parties will work in good faith to resolve it. All disputes must be submitted by the Response Deadline, and will be decided within ten (10) business days after the Response Deadline, which is defined as 45 days after the date the Class Notice is first mailed by the Settlement Administrator.

15. Any Class Member who seeks exclusion from the Class must send a signed, written request to be excluded from the settlement ("Request for Exclusion") via U.S. mail that must be postmarked no later than 45 days after the date the Settlement Administrator first mails the Notice of Class Action Settlement to Class Members (the Response Deadline). The postmark date on the Request for Exclusion envelope shall be the exclusive means used to determine whether the Request for Exclusion was timely submitted. The Request for Exclusion should: (i) include a reference to one or more of the Actions either by name or case number(s); (ii) set forth the name, address, telephone number and last four digits of the Social Security Number of the Class Member requesting exclusion; (iii) be signed by the Class Member; (iv) be returned to the Settlement Administrator; (v) clearly state that the Class Member does not wish to be included in the Settlement; and (vi) be faxed, emailed, or postmarked on or before the Response Deadline.

16. Any Class Member who seeks to object to the settlement may send by U.S. mail a written statement of objection ("Notice of Objection"), which must be postmarked no later than 45 days after the date the Settlement Administrator first mails the Notice of Class Action Settlement to Class Members (the Response Deadline). The Notice of Objection should include: (i) a reference to one or more of the Actions either by name or case number(s); (ii) the objector's full name, signature, address, and telephone number, (iii) a written statement of all grounds for

1 the objection accompanied by any legal support for such objection; (iv) copies of any papers,
2 briefs, or other documents upon which the objection is based; and (v) a statement whether the
3 objector intends to appear at the Final Approval Hearing. The failure to submit a written
4 objection does not waive a Settlement Class Member's right to appear and orally object at the
5 final approval hearing.

6 17. Plaintiffs shall file their motion for final approval of the proposed class action and
7 PAGA settlement and motion applying for awards of Attorneys' Fees and Costs, the Class
8 Representative Enhancement Payments and Settlement Administration Costs no later than 16
9 court days prior to the date of the Final Approval Hearing.

10 18. The Final Approval Hearing shall be held on _____, 2023 at 3:00 p.m. in
11 Department 19, Alameda County Superior Court, 1221 Oak Street, Oakland, California 94612, at
12 which the Court will determine whether the settlement should be finally approved as a fair,
13 reasonable, and adequate to the Class Members; whether the Final Approval Order and Judgment
14 should be entered; whether the PAGA settlement should be approved; whether Class Counsel's
15 application for attorneys' fees and expenses should be approved; whether any requests for Class
16 Representatives' enhancement payments should be approved; and whether the request for the
17 payment of administration costs should be approved.

18 19. The Court reserves the right to modify the date of the Final Approval Hearing and
19 related deadlines set forth herein. The Final Approval Hearing may be postponed, adjourned or
20 continued by Order of the Court without further notice to the Class.

21 20. Pending the final determination of whether the settlement should be approved, all
22 proceedings in the action, except as necessary to implement the settlement or comply with the
23 terms of the Stipulation or this Order, are hereby stayed.

24 21. Should, for whatever reason, the settlement not become final, the fact that the
25 Parties were willing to stipulate to certification of the Class as part of the settlement shall have
26 no bearing on, nor be admissible in connection with, the issue of whether a class should be
27 certified in a non-settlement context.

28 22. In the event the settlement is not finally approved or is terminated, canceled or

1 fails to become effective for any reason, the Parties will be returned to their former positions, and
2 specifically the provisional certification will be of no effect.

3
4 **IT IS SO ORDERED.**

5
6
7 Dated: _____, 2022

HON. STEPHEN KAUS
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

I, JOEY GONZALEZ, am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to the within action. My business address is 1965 Market Street, San Francisco, California 94103. On **November 30, 2022**, in the case of *Cascade Drilling Wage and Hour Cases*, JCCP No. 5215, I served the foregoing document(s):

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

on the interested party(ies) below, using the following means:

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☒	(BY ELECTRONIC SERVICE) by electronically mailing a true and correct copy in PDF format through our electronic mail system to the email address(es) set forth above, or as stated on the attached service list per agreement between the parties.
☒	(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.


JOEY GONZALEZ