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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

DEC 18 2025

BY 
DEBRA PEDROSA, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN BERNARDINO**

Coordination Proceeding Special Title

**CONSERVE LANDCARE WAGE AND HOUR
CASES**

Included Actions:

Arrieta v. Conserve Landcare, Inc., et al., San
Bernardino Superior Court Case No.
CIVDS1935184

Zarate v. Conserve Landcare, LLC, et al., San
Bernardino Superior Court Case No.
CIVSB221945

Judicial Council Coordination Proceeding Case
No.: JCCP 5242

Assigned for all purposes to the Hon. Thomas
S. Garza, Dept. S27

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT;
SETTING FAIRNESS HEARING**

*[Concurrently filed with Plaintiff's
Memorandum of Points and Authorities; and
Declarations of Michael Morrison, Malcolm
Clayton, Aaron Lawrence, Marcelo Arrieta,
Ryan Carmona, Erik Zarate]*

Time: 8:30 a.m.
Date: December 18, 2025
Place: Dept. S27

Trial Date: none

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on behalf of himself, all others similarly situated,
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Attorneys for Plaintiff ERIK ZARATE,
on behalf of himself and others similarly situated

1 The Motion for Preliminary Approval of a Settlement came before this Court on December
2 18, 2025, at 8:30 a.m. or as soon thereafter as the matter can be heard in Department S27 of the San
3 Bernardino County Superior Court located at 247 West 3rd Street, San Bernardino, CA 92415. The
4 Court, having considered the proposed Class Action and PAGA Settlement Agreement and Class
5 Notice entered into by and between Plaintiffs MARCELO ARRIETA, RYAN CARMONA, and
6 ERIK ZARATE (“Plaintiffs”) and Defendants CONSERVE LANDCARE, INC., CONSERVE
7 LANDCARE HOLDINGS, INC., CONSERVE LANDCARE, LLC, and SPERBER LANDSCAPE
8 COMPANIES, LLC (“Defendants”), attached as **Exhibit 1** to the Declaration of Michael Morrison
9 in Support of Plaintiffs’ Motion for Preliminary Approval of Class and Representative Action
10 Settlement, and the Exhibit attached thereto (hereafter collectively, the “Settlement” or “Settlement
11 Agreement”); having considered the Motion for Preliminary Approval of Class and Representative
12 Action Settlement filed by the Plaintiffs; having considered the respective points and authorities and
13 declarations submitted by the parties in support thereof; and good cause appearing, HEREBY
14 ORDERS THE FOLLOWING:

15 1. The Court grants preliminary approval of the settlement as set forth in the Settlement
16 and finds the terms to be within the range of reasonableness of a settlement that ultimately could be
17 granted approval by the Court at the Final Fairness Hearing. For purposes of the Settlement, the
18 Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-
19 defined community of interest among the Class in questions of law and fact. Therefore, for
20 settlement purposes only, the Court grants conditional certification of the following Settlement
21 Class defined as follows: all hourly, non-exempt employees who worked for Defendants in
22 California during the Class Period.

23 2. The “Class Period” is the period from November 21, 2015 through June 1, 2025.

24 3. The Court certifies the following class (collectively referred to as the “Settlement
25 Class”): All hourly, non-exempt employees who worked for Defendants in California during the
26 Class Period.

27 4. For purposes of settlement, the Court further designates named Plaintiffs Marcelo
28 Arrieta, Ryan Carmona, and Erik Zarate as Class Representatives, and Alexander Morrison + Fehr,

1 LLP, Reich, Adell & Cvitan, and Lavi & Ebrahimian, LLP, as Class Counsel.

2 5. The Court appoints Apex Class Action Administration, as the Settlement
3 Administrator.

4 6. A final fairness hearing on the question of whether the proposed settlement should
5 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
6 Department S27 of the Superior Court of California, County of San Bernardino, located at 247 West
7 3rd Street, San Bernardino, CA 92415, on May 18, 2026, at 0830 a.m.

8 7. At the final fairness hearing, the Court will consider: (a) whether the settlement
9 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
10 approval of the settlement should be entered; and (c) whether Plaintiffs' application for an award of
11 Attorneys' Fees and Costs and the Class Representative Enhancement Payments should be granted.

12 8. Counsel for the parties shall file memoranda, declarations, or other statements and
13 materials in support of their request for final approval by no later than 16 court days prior the final
14 fairness hearing.

15 9. Class Counsel shall file a motion for an award of Attorneys' Fees and Costs and
16 the Class Representative Enhancement Payments by no later than 16 court days prior to the final
17 fairness hearing.

18 10. The Court approves, as to form and content, the Class Notice which is attached to
19 the Settlement as **Exhibit A** thereto.

20 11. No later than fourteen (14) calendar days following the date the Court enters this order,
21 Defendants shall provide the following information to the Settlement Administrator: Class Member
22 identifying information in Defendants' possession, including the including the Class Member's name,
23 last-known mailing address, Social Security number, and number of Class Period Workweeks and PAGA
24 Period Workweeks ("Class Data").

25 12. No later than fourteen (14) calendar days after receiving the Class Data, the
26 Settlement Administrator shall disseminate the Class Notice with Spanish translation, to all the
27 Class Members identified in the Class Data by first-class U.S. Mail.

1 13. Class Members shall have sixty (60) calendar days from the date the Settlement
2 Administrator mails Notice to the Class Members to fax, email, or mail: Requests for Exclusion
3 from the Settlement, Challenges to Calculations of Workweeks, or Objections to the Settlement.
4 Class Members to whom Class Notice is are resent after having been returned undeliverable to the
5 Settlement Administrator shall have an additional fourteen (14) calendar days beyond the sixty
6 (60) days otherwise provided to respond.

7 14. The Court finds that the forms of Class Notice to the Class regarding the pendency
8 of the action and of this settlement, and the methods of giving notice to members of the
9 Settlement Class constitute the best notice practicable under the circumstances and constitute
10 valid, due, and sufficient notice to all members of the Class. They comply fully with the
11 requirements of California Code of Civil Procedure section 382, California Civil Code section
12 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
13 and other applicable law.

14 15. The Court further approves the procedures for Class Members to participate in, opt
15 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

16 16. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
17 must send the Settlement Administrator, by fax, email, or mail, a signed written Request for
18 Exclusion not later than 60 days after the Settlement Administrator mails the Class Notice (plus
19 an additional 14 days for Class Members whose Class Notice is re-mailed). A Request for
20 Exclusion is a letter from a Class Member or his/her/their representative that reasonably
21 communicates the Class Member's election to be excluded from the Settlement and includes the
22 Class Member's name, address and email address or telephone number. To be valid, a Request for
23 Exclusion must be timely faxed, emailed, or postmarked by the Response Deadline.

24 17. Participating Class Members may send written objections to the Settlement
25 Administrator, by fax, email, or mail. In the alternative, Participating Class Members may appear
26 in Court (or hire an attorney to appear in Court) to present verbal objections at the Final Approval
27 Hearing. A Participating Class Member who elects to send a written objection to the Settlement
28 Administrator must do so not later than 60 days after the Settlement Administrator's mailing of

1 the Class Notice (plus an additional 14 days for Class Members whose Class Notice was re-
2 mailed).

3 18. Class Members may challenge the allocation of workweeks or pay periods by
4 communicating with the Administrator via fax, email or mail. A Class Member who elects to
5 challenge the workweeks and/or pay periods allocated to them, must do so not later than 60 days
6 after the Settlement Administrator's mailing of the Class Notice (plus an additional 14 days for
7 Class Members whose Class Notice was re-mailed).

8 19. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
9 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
10 Order, are stayed.

11 20. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
12 connection with the administration of the Settlement which are not materially inconsistent with
13 either this Order or the terms of the Settlement.

14 21. The Court orders the following Implementation Schedule for further proceedings:

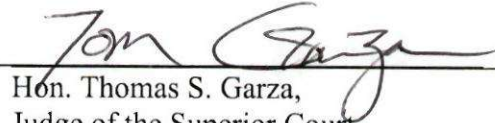
Event	Timing
Class Data: Last day for Defendants to provide the Settlement Administrator the Class Data	14 calendar days after the Court's entry of this Order
Notice Date: last day for Settlement Administrator to mail Class Notice to Class Members.	14 calendar days after receipt of the Class Data
Response Deadline: last day for Settlement Class Members to submit (i) Requests for Exclusion; (ii) Challenges to Workweeks or Pay Periods; and/or (iii) written Objections	60 calendar days after the date of mailing of the Class Notice (additional 14 days for Class Members whose Notice is remailed)
Last day for Class Counsel to file motion for award of Attorneys' Fees and Costs and Class Representative Enhancement Payments.	16 court days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of Class Action Settlement.	16 court days prior to the final fairness hearing
Last day for the Parties to respond to Objections	5 court days prior to the final fairness hearing
Hearing on final approval of class action settlement.	

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1 22. The Fairness Hearing and related prior deadlines set forth above may, from time to
2 time and without further notice to the Class (except those who have filed timely and valid
3 objections), be continued or adjourned by Order of the Court.

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5 **IT IS SO ORDERED.**

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7 Dated: 12.18.25

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Hon. Thomas S. Garza,
Judge of the Superior Court

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PROOF OF SERVICE

I am over the age of 18 years, not a party to this action, and am employed in the County of Los Angeles, State of California. My business address is ALEXANDER MORRISON + FEHR LLP, 1900 Avenue of the Stars, Suite 900, Los Angeles, CA 90067.

On, August 7, 2025 following the ordinary business practices of ALEXANDER MORRISON + FEHR LLP as set forth below, I served a true and correct copy of the foregoing document described **[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT; SETTING FAIRNESS HEARING** in a sealed envelope, with postage fully prepaid, addressed as follows:

[SEE SERVICE LIST]

- () BY MAIL. I am readily familiar with ALEXANDER MORRISON + FEHR LLP's practice for collection and processing of correspondence for mailing with the U.S. Postal Service. Under that practice, in the ordinary course of business, correspondence would be deposited with the U.S. Postal Service on the same day with postage fully prepaid at ALEXANDER MORRISON + FEHR LLP, 1900 Avenue of the Stars, Suite 900, Los Angeles, CA 90067. The above envelope was placed for collection and mailing on the above date following ALEXANDER MORRISON + FEHR's ordinary business practice. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposition for mailing.
- (X) VIA EMAIL. Complying with Civil Code of Procedure 1013b(b)(1), my electronic business address is pshaw@amflp.com and I caused such document(s) to be electronically served for the above-entitled case to those parties on the Service List and the email listed therein.
- () VIA OVERNIGHT MAIL. I delivered said documents via overnight delivery (UPS).
- () BY PERSONAL SERVICE. I caused delivery of said envelope by hand to the offices of the addressee(s).
- (X) (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- () (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Dated: August 7, 2025

s/ Preston Shaw
Preston Shaw

SERVICE LIST

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