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8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN BERNARDINO**
11

12 GINGER GONZALEZ, on behalf of
herself and all "aggrieved employees"
13 pursuant to Labor Code § 2698 *et seq.*,

14 Plaintiff,

15 v.

16 MCS INDUSTRIES, INC., a Pennsylvania
corporation, and DOES 1 through 10,
17 inclusive,

18 Defendants.
19

CASE NO: CIVSB2116240

Assigned to the Hon. Lynn Poncin, Dept. S28

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

DATE: July 28, 2022

TIME: 8:30 a.m.

DEPT.: S28

Action Filed: June 7, 2021

1 Plaintiff Ginger Gonzalez's ("Plaintiff" or "Gonzalez") Unopposed Motion for Preliminary
2 Approval of Class Action Settlement and for Leave to File First Amended Complaint came on for
3 hearing before this Court in Department S28, Judge Lynn Poncin presiding, on July 28, 2022. The
4 Court, having considered the papers submitted in support of the motion and having heard oral
5 argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Joint Stipulation of Class Action and PAGA Settlement ("Settlement") filed with the
8 Court. The settlement appears to be fair, adequate, and reasonable to the Class;

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

12 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
13 Class Action Settlement and Final Hearing ("Notice"), and also approves the procedure for
14 members of the Class to object to the settlement set forth in the Notice;

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

20 5. It is ordered that the Settlement Class is preliminarily certified for settlement
21 purposes only. The Settlement Class is defined as follows: all current and former non-exempt
22 employees of Defendant employed in the State of California at any time during the Class Period
23 [June 7, 2017 to June 24, 2022];

24 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
25 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
26 of up to 35% of the Gross Settlement Amount (or \$61,250) and documented litigation costs of up
27 to \$12,000 to Class Counsel, subject to final approval by the Court following a further motion by
28 Class Counsel;

1 7. The Court approves and appoints Plaintiff Ginger Gonzalez as the Class
2 Representative and grants preliminary approval to a proposed Class Representative Enhancement
3 Payment in an amount not to exceed \$5,000;

4 8. The Court grants preliminary approval of the allocation of \$10,000 to penalties
5 under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$7,500) shall
6 be paid to the LWDA and 25% (\$2,500) will be distributed to PAGA Members on a *pro rata* basis
7 based on the total number of Workweeks worked by each PAGA Member during the PAGA Period;

8 9. The Court hereby approves and appoints Phoenix Class Action Administration
9 Solutions as the Settlement Administrator and grants preliminary approval of the payment of fees
10 and other charges of the Settlement Administrator in an amount not to exceed \$4,000;

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

14 11. Plaintiff is ordered to give notice of the Order to the LWDA and to Defendant.

15 12. The Court reserves the right to adjourn or continue the date of the Final Approval
16 Hearing and all dates provided for in the Settlement Agreement without further notice to the Class
17 and retains jurisdiction to consider all further applications arising out of or connected with the
18 Settlement Agreement.

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including 1) full name; (2) last known home address; (3) last known telephone number (if available); (4) social security number; and (5) total workweeks worked or information sufficient to allow the Settlement Administrator to calculate individual Class Member workweeks (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	10 calendar days after Settlement Administrator's receipt of Class List

<u>EVENT</u>	<u>TIMING</u>
Last day for Class Members to submit a written request for exclusion 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
Final settlement approval hearing	_____, 2022, at _____.m. (approximately 90 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT