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Attorneys for Plaintiffs Luis Prado and Robert Varela
and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

LUIS PRADO and ROBERT VARELA,
on behalf of themselves and on behalf of all
similarly situated individuals,

Plaintiffs,

v.

J.S. HOMEN TRUCKING, INC., a
California corporation, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: STK-CV-UOE-2022-1797

*Assigned to the Honorable Robert T. Waters, Dept.
11B*

CLASS ACTION

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

DATE: _____, 2022

TIME: ____ a.m.

DEPT.: 11B

Action Filed: March 9, 2022

Plaintiffs Luis Prado and Robert Varela's ("Plaintiff") Unopposed Motion for Preliminary Approval of Class Action Settlement came on for hearing before this Court in Department 11B, Judge Robert T. Waters presiding, on _____, 2022. 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 Settlement Agreement and Release of Claims ("Settlement") filed with the Court. The

1 settlement appears to be fair, adequate, and reasonable to the Class;

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

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

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

14 5. It is ordered that the Settlement Class is preliminarily certified for settlement
15 purposes only. The Settlement Class is defined as follows: all non-exempt truck drivers who
16 worked for J.S. Homen Trucking, Inc. in California at any time during the Class Period (April 30,
17 2017 through April 15, 2022);

18 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
19 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
20 of up to 35% of the Gross Settlement Amount (or \$87,500) and documented litigation costs of up
21 to \$12,000 to Class Counsel, subject to final approval by the Court following a further motion by
22 Class Counsel;

23 7. The Court approves and appoints Plaintiffs Luis Prado and Robert Varela as the
24 Class Representatives and grants preliminary approval to proposed General Release/Enhancement
25 Payments in an amount not to exceed \$10,000 each;

26 8. The Court grants preliminary approval of the allocation of \$20,000 to penalties
27 under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$15,000)
28

1 shall be paid to the LWDA and 25% (\$5,000) shall be included in the Net Settlement Proceeds for
2 payment to Class Members;

3 9. The Court hereby approves and appoints Simpluris, Inc. as the Settlement
4 Administrator and grants preliminary approval of the payment of fees and other charges of the
5 Settlement Administrator in an amount not to exceed \$4,000; and

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and their dates of employment as a non-exempt truck driver in California during the Class Period ("Settlement Class Information")	15 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Request for Exclusion form to Class Members	10 calendar days after the Settlement Administrator receives the Settlement Class Information
Last day for Class Members to submit a written Request for Exclusion form to the Settlement Administrator	60 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	60 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 105 days after entry of this Order)

25 **IT IS SO ORDERED.**

26
27 Dated: _____

28 JUDGE OF THE SUPERIOR COURT