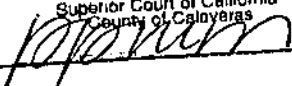


FILED

MAR 17 2022

Clerk of the Court
Superior Court of California
County of Calaveras
By  Deputy

1 Galen T. Shimoda (Cal. State Bar No. 226752)
2 Justin P. Rodriguez (Cal. State Bar No. 278275)
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8 Attorneys for Plaintiff RAYMUNDO VALLES,
9 on behalf of himself and similarly situated employees

10 **SUPERIOR COURT OF CALIFORNIA**
11 **FOR THE COUNTY OF CALAVERAS**

12 RAYMUNDO VALLES, individually and)
13 on behalf of all other similarly situated)
14 employees,)

15 Plaintiff,)

16 vs.)

17 TRICORP GROUP, INC., a California)
18 Corporation; and DOES 1 to 100, inclusive,)
19 Defendants.)

CASE NO. 21CV45611

CLASS ACTION

AMENDED [~~PROPOSED~~] ORDER
GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT

*Submitted Concurrently With Stipulation and
[~~Proposed~~] Order Regarding Plaintiff's
Motion For Preliminary Approval of Class
Action and PAGA Settlement*

Date: March 25, 2022

Time: 9:00 a.m.

Dept.: 2

Judge: Hon. David Sanders

Filed: September 16, 2021

Trial Date: None Set

22 **AMENDED [PROPOSED] ORDER GRANTING PRELIM. APPROVAL OF CLASS ACTION AND PAGA**
23 **SETTLEMENT**

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 The Motion for Preliminary Approval of a Class Action and PAGA Settlement came before this
3 Court, on January 14, 2022, February 25, 2022, and March 25, 2022, in Department 2 before the
4 Honorable Judge David Sanders, presiding. The Court having considered the papers submitted in
5 support of the application of the parties, including the supplemental briefings and stipulation addressing
6 the Court's concerns with the settlement, HEREBY ORDERS THE FOLLOWING:

7 1. The Court grants preliminary approval of the Settlement and the Settlement Class based
8 upon the terms set forth in the Joint Stipulation of Settlement and Release Between Plaintiff and
9 Defendant ("Stipulation of Settlement") that was filed with the Motion and as modified in the Stipulation
10 and Order Regarding Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement
11 filed concurrently with this Amended Order. All terms used herein shall have the same meaning as
12 defined in the Stipulation of Settlement.

13 2. The settlement set forth in the Joint Stipulation of Settlement and Release Between
14 Plaintiff and Defendant appears to be fair, adequate and reasonable to the Class. The Settlement falls
15 within the range of reasonableness and appears to be presumptively valid, subject only to any objections
16 that may be raised at the final fairness hearing and final approval by this Court.

17 3. A final fairness hearing on the question of whether the proposed Settlement, attorneys'
18 fees to Class Counsel, costs of administration and the Class Representatives' Enhancement Award
19 should be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled
20 in Department 2 on the date and time set forth in the implementation schedule in Paragraph 10 below.

21 4. This Court approves, as to form and content, the Claim Form (Exhibit G), and the Notice
22 of Pendency of Class Action, Proposed Settlement and Hearing Date for Final Court Approval
23 ("Notice") (Exhibit F). The Court approves the procedure for Class Members to participate in, to opt
24 out of, and to object to, the Settlement as set forth in the Joint Stipulation of Settlement and Release
25 Between Plaintiff and Defendant and Notice. Any dispute regarding the basic calculation as well as the
26 workweek data relied upon by the Claims Administrator that cannot be resolved between counsel, Class
27 Member and Claim Administrator will be submitted to the Court for resolution.

1 5. The Court directs the mailing of the Notice of Pendency of Class Action and Proposed
2 Settlement, and the Claim Form by first class mail to the Class Members in accordance with the
3 Implementation Schedule set forth below. The Court finds the dates selected for the mailing and
4 distribution of the Notice and the Claim Form, as set forth in the Implementation Schedule, meet the
5 requirements of due process and provide the best notice practicable under the circumstances and shall
6 constitute due and sufficient notice to all persons entitled thereto.

7 6. It is ordered that the Settlement Class is preliminarily certified for settlement purposes
8 only.

9 7. The Court confirms Plaintiff Raymundo Valles as Class Representative, and Galen T.
10 Shimoda and Justin P. Rodriguez of Shimoda & Rodriguez Law, PC as Class Counsel.

11 8. The Court confirms the appointment of Simpluris, Inc. as the Claims Administrator.

12 9. To facilitate administration of the Settlement pending final approval, the Court hereby
13 enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or administrative
14 proceedings (including filing claims with the Division of Labor Standards Enforcement of the California
15 Department of Industrial Relations) regarding claims released by the Settlement, unless and until such
16 Class Members have filed valid Requests for Exclusion with the Claims Administrator and the time for
17 filing claims with the Claims Administrator has elapsed.

18 10. The Court orders the following Implementation Schedule for further proceedings:

19	a.	Deadline for Defendant to Submit Class Member Information to Claims Administrator	[30 calendar days after Order granting Preliminary Approval]
20	b.	Deadline for Claims Administrator to Mail Notice and Claim Form to Class Members	[45 calendar days after Order granting Preliminary Approval]
21	c.	Deadline for Class Members to Postmark Claim Forms	[60 calendar days after mailing of the Notice and Claim Form]
22	d.	Deadline for Class Members to Postmark Requests for Exclusion	[60 calendar days after mailing of the Notice and Claim Form]

e.	Deadline for Receipt by Court, Claims Administrator, and Counsel of any Objections to Settlement	[60 calendar days after mailing of the Notice and Claim Form]
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days before Final Approval Hearing]
g.	Deadline for Claims Administrator to file Declaration of Due Diligence and Proof of Mailing	[16 Court days before Final Approval Hearing]
h.	Deadline for Defendant to provide written Notice of Rescission of Settlement to Class Counsel (if applicable)	[10 calendar days before Final Approval Hearing, provided the number and percentage of opt outs previously provided to Defendant]
i.	Final Fairness Hearing and Final Approval	Date: August 26, 2022 Time: 9:00 a.m. Department: 2
j.	Deadline for Defendant to fund settlement	[21 calendar days after Effective Date]
k.	Deadline for Claims Administrator to mail the Settlement Awards and the Enhancement Award, and to wire transfer the Attorneys' Fees and Costs (if Settlement is Effective)	[35 calendar days after Effective Date]
l.	Deadline for Class Members to cash settlement checks (if Settlement is Effective)	[90 calendar days after Claims Administrator mails the Settlement Awards and the Enhancement Awards]
m.	Deadline for Claims Administrator to distribute uncashed check amount to <i>cy pres</i> beneficiaries (if Settlement is Effective)	[Within 14 calendar days after the deadline for class members to cash Settlement checks]

11. The Case Management / OSC Hearing set for 3/23/22 at 1:30 pm in D-4 is continued to 10/19/22 at 1:30 pm in D-4. The law + motion hearing set for 3/25/22 at 9:00 a.m. in D-2 is vacated as this Order and the companion Order resolve the remaining issues to be addressed at the hearing.

n.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs, cy pres payments, and payment to the LWDA (if Settlement is Effective)	[Within 21 calendar days after the deadline for Claims Administrator to pay and unclaimed residue from uncashed checks to cy pres beneficiaries]
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IT IS SO ORDERED.

Dated: 3/17/22


JUDGE OF THE SUPERIOR COURT

David M. Sanders

1 *Valles v. Tricorp Group, Inc.,*
2 *Calaveras Superior Court Case No. 2145611*

3 **PROOF OF SERVICE — CCP §§ 1010.6, 1013a and 2015.5**
4 **and California Rules of Court, Rule 1.21, Rule 2.150, and Rule 2.251**

5 I, Caitlyn A. Lopez, declare that:

6 I am a citizen of the United States and am over the age of eighteen years and not a party
7 to the within above-entitled action.

8 On March 14, 2022, I served the following documents on the party below:

- 9
 - Amended [Proposed] Order Granting Preliminary Approval of Class Action and
10 PAGA Settlement

11 Cary G. Palmer (SBN 186601) 12 Jackson Lewis P.C. 13 400 Capitol Mall, St. 1600 14 Sacramento, CA 95814-4419 15 Phone: (916) 288-3007 16 E-mail: Cary.Palmer@jacksonlewis.com	
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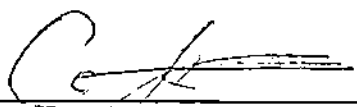
17 [XXX] [By Mail] I am familiar with my employer's practice for the collection and
18 processing of correspondence for mailing with the United States Postal
19 Service and that each day's mail is deposited with the United States Postal
20 Service that same day in the ordinary course of business. On the date set forth
21 above, I served the aforementioned document(s) on the parties in said action
22 by placing a true copy thereof enclosed in a sealed envelope with postage
23 thereon fully prepaid, for collection and mailing on this date, following
24 ordinary business practices, at Elk Grove, California, addressed as set forth
25 above.

26 [] [By Personal Service] By personally delivering a true copy thereof to the
27 office of the addressee above.

28 [] [By Electronic Mail] I e-mailed the documents(s) to the person(s)
shown above. No error was reported by the e-mail service that I used.

[] [By Overnight Courier] By causing a true copy and/or original thereof to be
personally delivered via the following overnight courier service:_____.

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct, and that this declaration was executed on March 14, 2022, at Elk
Grove, California.


Caitlyn A. Lopez

RECEIVED

MAR 16 2022

CALAVERAS SUPERIOR COURT