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7 Attorneys for Plaintiffs ETHAN STARR and
DAVID PATTERSON, and the putative class

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

11 DAVID PATTERSON,
12 Plaintiff,

13 v.

14 SCHELL & KAMPETER, INC., and DOES 1-10,
15 inclusive,
16 Defendants.

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18 ETHAN STARR, individually and on behalf of all
others similarly situated,

19 Plaintiff,

20 v.

21 SCHELL & KAMPETER, INC., and DOES 1-10,
22 inclusive,
23 Defendants.
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Lead Case No: STK-CV-UOE-2020-9296
Case No.: STK-CV-UOE-2021-4585

[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

Date: _____, 2022
Time: 9:00 a.m.
Dept: 10D
Judge: Hon. Barbara Kronlund

26 Plaintiffs Ethan Starr's and David Patterson's ("Plaintiffs") Motion for Preliminary Approval
27 of Class Action Settlement ("Motion for Preliminary Approval") came on for hearing on
28 _____, 2022, at 9:00 a.m. in Department 10D of the above-captioned court, before the

1 Honorable Barbara Kronlund. The Court, having fully and carefully reviewed Plaintiffs' Motion for
2 Preliminary Approval, the memorandum and declarations in support thereof, and the Settlement
3 Agreement including the proposed Class Notice, hereby makes the following determinations and
4 orders¹:

- 5 1. Plaintiffs' Motion for Preliminary Approval of Class Action Settlement is GRANTED.
- 6 2. Plaintiffs Ethan Starr and David Patterson are preliminarily appointed as Class
7 Representatives.
- 8 3. Mayall Hurley P.C. is preliminarily approved and appointed as Class Counsel.
- 9 4. Atticus Administration, LLC is appointed as the Settlement Administrator and shall
10 administer the Settlement in accordance with the terms set forth in the Settlement Agreement and
11 perform the functions set forth therein. The Court also preliminarily approves declared fees and costs
12 of administering the Settlement of up to \$15,000.
- 13 5. The Class of employees covered by the Parties' Settlement consists of the following:
14 All persons who have been employed by Defendant as non-exempt employees in
15 the State of California at any time from November 3, 2016, through the date of
16 this Order.
- 17 6. Pursuant to California Civil Procedure section 382, and for purposes of settlement only,
18 the Class is preliminarily certified. The Class is estimated to include approximately 500 individuals.
- 19 7. The Court grants preliminary approval of the Settlement between Plaintiffs and
20 Defendant based upon the terms set forth in the Settlement Agreement. The Settlement Agreement
21 appears to be fair, adequate, and reasonable, and the Court preliminarily approves the terms of the
22 Settlement Agreement.
- 23 8. The Court approves, as to form and content, the Class Notice, in substantially the form
24 attached hereto as **Exhibit 1**. The Court further approves the procedure by which Class Members may
25 opt out of, and to object to, the Settlement as set forth in the Settlement Agreement and the Class
26 Notice.

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28 ¹ All terms used in this Order Granting Preliminary Approval of Class Action Settlement (the "Order") shall have the same meanings given those terms in the Parties' Joint Stipulation and Settlement Agreement ("Settlement Agreement", "Settlement", or "SA"), a copy which is attached as **Exhibit 1** to the Declaration of Vladimir J. Kozina.

1 9. The Court directs the mailing of the Class Notice in accordance with the terms of the
2 Settlement Agreement and on the schedule set forth below. The Court finds the dates selected for the
3 mailing and distribution of the Class Notice, as set forth below, meet the requirements of due process
4 and provide the best notice practicable under the circumstances and shall constitute due and sufficient
5 notice to all persons entitled thereto.

6 10. Subject to further consideration by the Court at the time of the Final Approval Hearing,
7 the proposed PAGA allocation and payment to the LWDA is preliminarily approved.

8 11. Subject to further consideration by the Court at the time of the Final Approval Hearing,
9 the proposed Service Payments of \$10,000 each to Plaintiffs Starr and Patterson for their service as
10 Class Representatives are preliminarily approved.

11 12. Subject to further consideration by the Court at the time of the Final Approval Hearing,
12 Class Counsel's request of attorneys' fees in the amount of \$255,000 and declared costs of up to
13 \$15,000 is preliminarily approved.

14 13. The Court adopts the following dates and deadlines:

15 Defendant to provide Class List to the 16 Settlement Administrator.	Within 10 calendar days of the Court's execution of the Order Granting Preliminary Approval.
17 Settlement Administrator to mail 18 Class Notice.	Within 24 calendar days of the Court's execution of the Order Granting Preliminary Approval.
19 Deadline for Class Members to 20 object to, or opt out of, the Settlement.	Within 45 calendar days after Notice mailed
21 Deadline for Plaintiff to file Motions for Final 22 Approval, Attorneys' Fees, Costs, and Service Payments	Not less than 16 court days before the Final Approval hearing.
Final Approval Hearing.	Not less than 100 days after the Court's execution of the Order Granting Preliminary Approval.

23 14. A Final Approval hearing on the question of whether the proposed Settlement,
24 attorneys' fees to Class Counsel, and the Class Representatives' Service Payments should be finally
25 approved as fair, reasonable and adequate is scheduled for _____ at 9:00 a.m.
26 in Department 10D of the above-captioned Court. The parties to the Agreement are directed to carry
27 out their obligations under the Settlement Agreement.

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1 Dated: _____

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3 HON. BARBARA KRONLUND
4 Judge of the Superior Court
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