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Attorneys for Plaintiff and the proposed class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

MARCOS TAFOLLA, an individual, on
behalf of himself and others similarly
situated,

PLAINTIFF,

v.

DAYLIGHT TRANSPORT, LLC; and DOES
1 thru 50, inclusive,

DEFENDANTS.

CASE NO. 21STCV16822

[Case Assigned for All Purposes to Hon. Elihu
M. Berle in Dept. 6]

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

Date: February 28, 2024

Time: 11:00 AM

Dept.: 6

Complaint Filed: May 3, 2021

Trial Date: None Set

1 The Motion for Preliminary Approval of the Class Settlement came before this Court on
2 February 28, 2024, the Honorable Elihu M. Berle, presiding. The Court, having considered the
3 papers submitted in support of the motion of the parties, **HEREBY ORDERS THE**
4 **FOLLOWING:**

5 1. The Court grants preliminary approval of the proposed settlement based upon the
6 terms set forth in the Class Action and PAGA Settlement Agreement (“Agreement”) filed
7 herewith. The Agreement appears to be fair, adequate, and reasonable to the Class. The Court
8 finds that: (a) the Agreement resulted from extensive arm’s length negotiations; and (b) the
9 Agreement is sufficient to warrant notice of the Agreement to persons in the Class and a full
10 hearing regarding final approval of the Agreement.

11 2. For purposes of this Order, the proposed Class is defined as follows:

12 “all persons who are employed or have been employed as an hourly
13 employee by DAYLIGHT TRANSPORT, LLC, in the State of
14 California since four (4) years prior to the filing of this action to the
present.” (“Settlement Class Members” or “Class”)

15 3. The Class Period is May 3, 2017 to December 31, 2023.

16 4. For purposes of this Order, the Aggrieved Employees defined as follows:

17 “all persons who are employed or have been employed as an hourly
18 employee by DAYLIGHT TRANSPORT, LLC, in the State of
19 California who worked one or more pay periods during the PAGA
Period.” (“Aggrieved Employees”)

20 5. The PAGA Period is May 3, 2020 to December 31, 2023.

21 6. The Agreement falls within the range of reasonableness and appears to be
22 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
23 and final approval by this Court.

24 7. The Court makes the following preliminary findings for settlement purposes only:

25 A. The Class, which consists of approximately 760 persons, is so numerous that
26 joinder of all members is impracticable;

27 B. There appear to be questions of law or fact common to the Class for purposes
of determining whether this Settlement should be approved;

28 C. Plaintiff’s claims appear to be typical of the claims being resolved through

the proposed settlement;

D. Plaintiff appears to be capable of fairly and adequately protecting the interests of the Settlement Class Members in connection with the proposed settlement;

E. Common questions of law and fact appear to predominate over questions affecting only individual persons in the Class. Accordingly, the Class appears to be sufficiently cohesive to warrant settlement by representation; and

F. Certification of the Class appears to be superior to other available methods for the fair and efficient resolution of the claims of the Class.

8. The Court approves, as to form and content, the Notice of Class Action Settlement to Settlement Class Members in substantially the form attached to the Agreement as Exhibit “A”.

9. The Court approves the procedure for Settlement Class Members to opt out to the Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

10. The Court approves the procedure for Settlement Class Members to object to the Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

11. The Court directs the mailing of the Notice of Class Action Settlement and related documents to members of the Class by first class mail in accordance with the Agreement and the implementation schedule set forth below. The Court finds that the dates selected for the mailing and distribution of the notice, as set forth in the following implementation schedule, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

12. It is ordered that the Class is preliminarily certified for settlement purposes only.

13. The Court confirms Kingsley & Kingsley, APC as Class Counsel.

14. The Court confirms MARCOS TAFOLLA as Class Representative.

15. The Court approves ILYM Group, Inc. as the Administrator.

16. The Court orders that pursuant to the California Private Attorneys General Act, Labor Code §§ 2698, et seq. (“PAGA”), statutory notice of this Agreement has been and will continue to be given to the Labor & Workforce Development Agency.

17. A final fairness hearing on the question of whether the proposed Agreement,

attorneys' fees and costs to Class Counsel, the PAGA payment, and the claims administration costs should be finally approved as fair, adequate, and reasonable as to the members of the Class is scheduled for _____ at _____ (Pacific Time), in Department 6.

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

a.	Preliminary Approval Granted	_____
b.	Deadline for Defendant to Provide Settlement Class Members' Information to Administrator	30 calendar days from Entry of Preliminary Approval
c.	Administrator Shall Mail Notice to Settlement Class Members	14 calendar days from receipt of the Class List from Defendant
d.	Deadline for Postmark of Any Request for Exclusion	30 Days from Mailing of Notices
e.	Deadline for Postmark of Any Objection	60 Days from Mailing of Notices
f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	To be determined by the Court _____
g.	Deadline for Class Counsel to file Motion for Attorneys' Fees	To be determined by the Court _____
h.	Final Approval Hearing	_____

19. IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the "Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the subject of this Order shall become null, void, unenforceable and inadmissible in any judicial, administrative or arbitral proceeding for any purpose, and all evidence, court orders and proceedings had in connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth in the Agreement.

20. IT IS FURTHER ORDERED that, pending further Order of this Court, all

proceedings in this matter except those contemplated herein and in the Agreement are hereby stayed.

21. The Court expressly reserves the right to adjourn or continue the Final Fairness Hearing from time to time without further notice to members of the Class.

DATED: _____

JUDGE OF THE SUPERIOR COURT

(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On January 30, 2024 I served all interested parties in this action the following documents described as: **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Robert R. Vorhees

robert.vorhees@ogletree.com

David A. Garcia

david.garcia@ogletree.com

Susan M. Susebach

susan.susebach@ogletreedekins.com

Ogletree, Deakins, Nash, Smoak, & Stewart, P.C.

Park Tower, 695 Town Center Drive, Fifteenth Floor

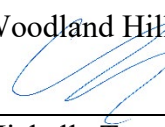
Costa Mesa, CA 92626

[XX] BY ELECTRONIC MAIL THROUGH CASE ANYWHERE: On interested parties set forth on the attached service list.

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 30, 2024 at Woodland Hills, California.



Michelle Tanzer