

ORIGINAL

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUN 14 2023

BY 
JESSICA MORALES, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

SAN BERNARDINO JUSTICE CENTER

MARIA OLIVARES, individually, and on
behalf of all others similarly situated,

PLAINTIFFS,

v.

BARONHR WEST, INC., a DELAWARE
corporation; PLAZE, INC, doing business
as SHIELD PACKAGING OF
CALIFORNIA, a DELAWARE
corporation; and DOES 1 through 50,
inclusive,

DEFENDANTS.

Case No.: CIVSB2124719

[Assigned to Hon. David Cohn]

**~~PROPOSED~~ PRELIMINARY
APPROVAL ORDER**

[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL

The Court now has before it, Plaintiff's unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion"). After reviewing the Motion, the Class Action and PAGA Settlement Agreement and Release ("Settlement Agreement") and exhibits attached thereto, and good cause appearing therefore, the Court hereby finds and orders as follows:

1. The Court finds on a preliminary basis that the settlement memorialized in the Settlement Agreement appears to be fair and adequate, and falls within the range of reasonableness, and therefore meets the requirement for preliminary approval.

2. The Court conditionally certifies for settlement purposes the following class (the "Class" or "Settlement Class"):

All non-exempt employees who were employed directly by Plaze, Inc, doing business as Shield Packaging Of California or employed and placed by BaronHR West, Inc. to work at Plaze, Inc, doing business as Shield Packaging Of California, in the State of California, at any time from August 26, 2017 through December 13, 2022.

The Class Period is from August 26, 2017 through December 13, 2022.

3. The Court conditionally approves for settlement purposes the PAGA allocation of this settlement to the California Labor and Workforce Development Agency ("LWDA") and PAGA Members.

The PAGA Period is from May 19, 2020 through December 13, 2022.

4. The Court finds, for settlement purposes, that the Class meets the requirements for certification under California Code of Civil Procedure § 382 in that: (1) the Class is so numerous that joinder is impractical; (2) there are questions of law and fact that are common, or of general interest, to the Class, which predominate over any individual issues; (3) Plaintiff's claims are typical of the claims of the Class; (4) Plaintiff and Plaintiff's counsel will fairly and adequately protect the interests of the Class; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

5. The Court appoints, for settlement purposes, Plaintiff Esteban Flores as Representative for the Class.

6. The Court appoints, for settlement purposes, the Law Office of Scott E. Wheeler as Counsel for the Class.

7. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

8. The Court appoints Phoenix Settlement Administrators ("Phoenix") as the Settlement Administrator and is ordered to carry out the administration of the settlement according to the terms of the Settlement Agreement.

9. The Court approves as to form and content of the Class Action and PAGA Settlement Notice. The Court finds that the dates selected for the mailing and distribution of the Notice Packet meet the requirements of due process, provide the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

10. If any Class Member objects to the Settlement Agreement, the objecting party is not required, either personally or through counsel: 1) to appear at the hearing on the motion for final approval for that party's objection to be considered; or 2) to file or serve, or to state in the objection, a notice of intention to appear at the hearing on the motion for Final Approval of the Class Settlement.

11. Phoenix, the Settlement Administrator, shall provide notice to any objecting party of any continuance of the hearing of Plaintiff's Motion for Final Approval.

12. The Parties are ordered to carry out the Settlement according to the following implementation schedule:

Event	Date
Last day for Defendants to provide the Settlement Administrator with the Class Information	July 17, 2023 (30 th day is a Saturday)
Last day for Settlement Administrator, Phoenix to mail Class Notice	July 31, 2023 (14 th day is a Saturday)
Last day for Class Members to submit a dispute regarding Workweeks, Request for Exclusion, or written Objection	September 14, 2023
Last Day for Plaintiff to file Motion for Final Approval of the Class Settlement, Attorneys' Fees and Costs and Class Representative Service Award	Per Code.

Final Approval Hearing

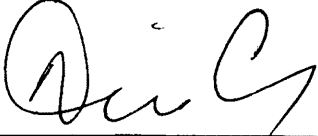
13. The Court finds that the method of giving notice to the Class constitutes the best means practicable of providing notice under the circumstances. The Court further finds that the Notice Packet and the method of giving notice to the Class meet the requirements of California Code of Civil Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, and due process under the California and United States Constitutions, and other applicable law.

14. At the Final Approval Hearing, the Court will consider whether the Settlement should be finally approved as fair, reasonable and adequate, whether a final judgment should be entered, and whether the payments provided for under the Settlement, including attorneys' fees and costs and class representative service award, should be finally approved and granted.

15. Pending the Final Approval Hearing, all proceedings in this Action, other than proceedings necessary to implement the Settlement and this Order, are stayed.

IT IS SO ORDERED.

DATED: 6/14/23


HONORABLE DAVID COHN
JUDGE OF THE SUPERIOR COURT