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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

JULIO MACHADO, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

PACIFIC DRAYAGE SERVICES, LLC., a
Delaware limited liability company; and
DOES 1 through 100, inclusive,
Defendants.

Case No. CIVDS2124879

*[Assigned for all purposes to the Hon. David
Cohn, Dept. S-26]*

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

Date: January 31, 2023
Time: 10:00 a.m.
Division: S-26

Action Filed: August 27, 2021
Trial: None set

1 The Motion of Plaintiff Julio Machado (“Plaintiff”) for Preliminary Approval of Class Action
2 Settlement will come on regularly for hearing before this Court on January 31, 2023 at 10:00 a.m.. The
3 Court, having considered the proposed Stipulation of Class Action and PAGA Settlement (the
4 “Settlement”), attached as Exhibit 1 to the Declaration of Scott M. Lidman filed concurrently with the
5 Motion; having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement,
6 Memorandum of Points and Authorities in support thereof, and supporting declarations filed therewith;
7 and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set forth in
9 the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately
10 could be granted approval by the Court at a Final Fairness Hearing. For purposes of the Settlement,
11 the Court finds that the proposed Settlement Class is ascertainable and that there are a sufficiently well-
12 defined community of interest among the members of the Settlement Class in questions of law and fact.
13 Therefore, for settlement purposes only, the Court grants conditional certification of the following
14 Settlement Class:

15 All current and former Drivers of Defendant Pacific Drayage Services, LLC
16 who worked at any time in California from August 27, 2020 and January
28, 2022.

17 2. For purposes of the Settlement, the Court designates named Plaintiff Julio Machado as
18 Class Representative, and Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC
19 and Paul Haines of Haines Law Group, APC as Class Counsel.

20 3. The Court designates Phoenix Settlement Administrators as the third-party Settlement
21 Administrator for mailing notices.

22 4. The Court approves, as to form and content, the Notice Packet (which is comprised of the
23 Notice of Pendency of Class Action and Settlement and Notice of Settlement Award) and is attached to
24 the Settlement as Exhibit B.

25 6. The Court finds that the form of notice to the Settlement Class regarding the pendency of
26 the action and of the Settlement, and the methods of giving notice to members of the Settlement Class,
27 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient
28 notice to all members of the Settlement Class. The form and method of giving notice complies fully

1 with the requirements of California Code of Civil Procedure section 382, California Civil Code section
2 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and
3 other applicable law.

4 7. The Court further approves the procedures for Settlement Class Members to opt out of or
5 object to the Settlement, as set forth in the Notice Packet.

6 8. The procedures and requirements for filing objections in connection with the Final
7 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
8 presentation of any Settlement Class Member's objection to the Settlement, in accordance with the due
9 process rights of all Settlement Class Members.

10 9. The Court directs the Settlement Administrator to mail the Notice Packet to the members
11 of the Settlement Class in accordance with the terms of the Settlement.

12 10. The Class Notice shall provide at least 60 calendar days' notice for members of the
13 Settlement Class to opt out of, or object to, the Settlement.

14 11. The Final Fairness Hearing on the question of whether the Settlement should be finally
15 approved as fair, reasonable, and adequate is scheduled in Department S-26 of this Court, located at 247
16 West Third Street, San Bernardino, California 92415 on _____, 2023 at _____ a.m. /
17 p.m.

18 12. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should
19 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment
20 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for
21 reasonable attorneys' fees, reimbursement of litigation expenses, service award to Plaintiff, and payment
22 to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code
23 Private Attorneys General Act ("PAGA") should be granted.

24 13. Counsel for the parties shall file memoranda, declarations, or other statements and
25 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
26 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA for
27 PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil
28 Procedure and the California Rules of Court.

14. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to Settlement Administrator	15 calendar days after issuance of the preliminary approval order
Settlement Administrator to mail Notice Packets to Class Members	10 business days after receiving Class Information from Defendant
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	60 calendar days after mailing of the Notice by the Settlement Administrator
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	
Final Fairness Hearing:	_____, 2023 at _____ a.m./p.m.

15. Pending the Final Fairness Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

16. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

Dated: _____, 2023

Honorable David S. Cohn
Judge of the Superior Court