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Attorneys for Plaintiffs Ronnie Garcia, Peter Sumo, and
Thomas Tomlinson and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

RONNIE GARCIA, PETER SUMO,
THOMAS TOMLINSON, on behalf of
themselves and on behalf of all similarly
situated individuals,

Plaintiffs,

v.

SST CONSTRUCTION, LLC, a California
limited liability company, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: 34-2022-00320617

Assigned to Hon. Jill H. Talley, Dept. 27

CLASS ACTION

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

Date: September 29, 2023

Time: 9:00 a.m.

Dept.: 27

Complaint Filed: July 2, 2021

1 Plaintiffs Ronnie Garcia, Peter Sumo, and Thomas Tomlinson's ("Plaintiffs") Unopposed
2 Motion for Preliminary Approval of Class Action Settlement came on for hearing before this Court
3 in Department 27, Judge Jill Talley presiding, on September 29, 2023. The Court, having
4 considered the papers submitted in support of the motion and having heard oral argument of the
5 parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Settlement Agreement and Release of Claims ("Settlement") filed with the Court. The
8 settlement appears to be fair, adequate, and reasonable for the Class;

9 2. The settlement falls within the range of reasonableness and appears to be
10 presumptively valid, subject only to any objections that may be raised at the final hearing;

11 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
12 Class Action Settlement and Final Hearing ("Notice"), attached to the Settlement as Exhibit 1, and
13 the Request for Exclusion form ("Exclusion Form"), attached to the Settlement as Exhibit 2;

14 4. The Court directs the mailing of the Notice and Exclusion Form by first class mail
15 to the Settlement Class Members in accordance with the schedule set forth below. The Court finds
16 that the dates selected for the mailing and distribution of the Notice and Exclusion Form, as set
17 forth herein, meet the requirements of due process and provide the best notice practicable under the
18 circumstances and shall constitute due and sufficient notice to all persons entitled thereto;

19 5. It is ordered that the settlement class is preliminarily certified for settlement
20 purposes only. The Settlement Class is defined as follows: all individuals who currently work or
21 previously worked for Defendants in California in a non-exempt position between May 27, 2018
22 and the date the Court grants preliminary approval of the Settlement;

23 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
24 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
25 of up to one-third of the Gross Settlement Amount (or \$500,000) and documented litigation costs
26 of up to \$25,000 to Class Counsel, subject to final approval by the Court following a further motion
27 by Class Counsel;

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1 7. The Court approves and appoints Plaintiffs Ronnie Garcia, Peter Sumo, and Thomas
2 Tomlinson as the Class Representatives and grants preliminary approval to proposed Service
3 Awards in an amount not to exceed \$12,000 each (totaling \$36,000);

4 8. The Court grants preliminary approval of the Private Attorneys General Act
5 payment of \$75,000 to the Labor and Workforce Development Agency;

6 9. The Court grants preliminary approval of the Private Attorneys General Act
7 payment of \$25,000 to the Aggrieved Employees as part of the Net Settlement Proceeds;

8 10. The Court hereby approves Phoenix Settlement Administration as the Settlement
9 Administrator and grants preliminary approval of the payment of fees and other charges of the
10 Settlement Administrator in an amount not to exceed \$15,000; and

11 11. The Court orders the following schedule of dates for the specified actions/further
12 proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendants to provide to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and their dates of employment in a non-exempt position in California during the Class Period ("Settlement Class Information")	7 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail the Notice and Exclusion Forms to Class Members via U.S. Mail	14 calendar days after Settlement Administrator's receipt of Settlement Class Information
Last day for Class Members to submit a written exclusion or objection to Settlement Administrator	45 calendar days after the initial mailing of the Class Notice and Exclusion Form to Class Members
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	16 court days prior to the final settlement approval hearing
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice, the Exclusion Form, and the Dispute Form	16 court days prior to the final settlement approval hearing

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<u>EVENT</u>	<u>TIMING</u>
Final settlement approval hearing	_____, 2024 at _____m. [The Parties suggest this hearing be set approximately 100 days after this order is entered.]

Dated: _____

JUDGE OF THE SUPERIOR COURT