

1 DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com

2 ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com

3 EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com

4 **GAINES & GAINES, APLC**

5 4550 East Thousand Oaks Boulevard, Suite 100
6 Westlake Village, CA 91362
7 Telephone: (818) 703-8985
Facsimile: (818) 703-8984

8 Attorneys for Plaintiff Lorenzo Calleros
and Proposed Class Counsel

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF MERCED**

12
13 LORENZO CALLEROS, on behalf of
14 himself and all "aggrieved employees"
pursuant to Labor Code § 2698 et seq.

15 Plaintiff,

16 v.

17 DIAL GENERAL ENGINEERING, a
18 California general partnership, and DOES
1 through 10, inclusive,

19 Defendants.
20
21
22
23
24
25
26
27
28

CASE NO: 22CV-00720

*Assigned to the Honorable Brian McCabe,
Department 8*

CLASS ACTION

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

DATE: June 1, 2022

TIME: 8:15 a.m.

DEPT.: 8

Action Filed: March 1, 2022

1 Plaintiff Lorenzo Calleros' ("Plaintiff") Unopposed Motion for Preliminary Approval of
2 Class Action Settlement came on for hearing before this Court in Department 8, Judge Brian
3 McCabe presiding, on June 1, 2022. The Court, having considered the papers submitted in support
4 of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE**
5 **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 to the Class;

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

12 3. The Court approves, as to form and content, the Notice of Pendency of Class Action
13 Settlement and Final Hearing ("Notice") and the Request for Exclusion form, and also approves
14 the procedure for members of the Class to object to the settlement set forth in the Notice;

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

21 5. It is ordered that the Settlement Class is preliminarily certified for settlement
22 purposes only. The Settlement Class is defined as follows: all current and former non-exempt
23 California employees of Defendant employed at any time from August 23, 2020 through March 26,
24 2022;

25 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
26 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
27 of up to 35% of the Maximum Settlement Amount (or \$47,250) and documented litigation costs of
28 up to \$11,000 to Class Counsel, subject to final approval by the Court following a further motion

1 by Class Counsel;

2 7. The Court approves and appoints Plaintiff Lorenzo Calleros as the Class
3 Representative and grants preliminary approval to a proposed Service Payment in an amount not to
4 exceed \$20,000;

5 8. The Court grants preliminary approval of the allocation of \$10,000 to penalties
6 under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$7,500) shall
7 be paid to the LWDA and 25% (\$2,500) to be distributed to Aggrieved Employees;

8 9. The Court hereby approves and appoints Simpluris, Inc. 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 \$3,500; and

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant 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")	21 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Request for Exclusion form to Class Members	14 calendar days after Settlement Administrator receives the Settlement Class Information
Last day for Class Members to submit a written Request for Exclusion form to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Members to submit an Objection to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice 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	10 calendar days before the final settlement approval hearing date
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	10 calendar days before the final settlement approval hearing date

<u>EVENT</u>	<u>TIMING</u>
Final settlement approval hearing	_____, 2022, at _____m. (approximately 100 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT