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Attorneys for Plaintiff Leonides Trejo
and Proposed Class Counsel

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF EL DORADO**

LEONIDES TREJO, on behalf of himself
and all "aggrieved employees" pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

RESCUE ELECTRIC CORPORATION, a
California corporation, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: 21CV0106

Assigned to the Hon. Dylan Sullivan, Dept. 9

CLASS ACTION

**[PROPOSED] ORDER (1) GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND (2)
GRANTING LEAVE TO FILE SECOND
AMENDED COMPLAINT**

Date: October 13, 2023

Time: 8:30 a.m.

Dept.: 9

Complaint Filed: November 4, 2021

1 Plaintiff Leonides Trejo's ("Plaintiff") Unopposed Motion for Preliminary Approval of
2 Class Action Settlement and Leave to File Second Amended Complaint came on for hearing before
3 this Court in Department 9, Judge Dylan Sullivan presiding, on October 13, 2023 at or about 8:30
4 a.m. The Court, having considered the papers submitted in support of the motion and having heard
5 oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

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

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

12 3. The Court approves, as to form and content, the Notice of Settlement of Class and
13 Representative Action ("Notice"), attached to the Settlement as Exhibit A;

14 4. The Court directs the mailing of the Notice by first class mail to the Settlement Class
15 Members in accordance with the schedule set forth below. The Court finds that the dates selected
16 for the mailing and distribution of the Notice, as set forth herein, meet the requirements of due
17 process and provide the best notice practicable under the circumstances and shall constitute due
18 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: [A]ll California employees who were
21 employed by Defendant during the Class Period;

22 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
23 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
24 of up to 35% of the Gross Fund (or \$484,750) and documented litigation costs of up to \$15,000 to
25 Class Counsel, subject to final approval by the Court following a further motion by Class Counsel;

26 7. The Court approves and appoints Plaintiff Leonides Trejo as the Class
27 Representative and grants preliminary approval to a proposed Class/PAGA Representative
28 Enhancement Payment in an amount not to exceed \$15,000;

1 8. The Court grants preliminary approval of the Private Attorneys General Act
2 payment of \$50,000 as the PAGA Settlement Amount, with \$37,500 to be paid to the Labor and
3 Workforce Development Agency and \$12,500 to be paid to Class Members employed by Defendant
4 during the PAGA Period;

5 9. The Court hereby approves Phoenix Settlement Administration as the Settlement
6 Administrator and grants preliminary approval of the payment of fees and other charges of the
7 Settlement Administrator in an amount not to exceed \$20,000;

8 10. The Court grants Plaintiff leave to file the Second Amended Class and
9 Representative Action Complaint attached as Exhibit B to the Settlement, within five (5) court days
10 of the entry of this Order, and consents that Defendant is not required to file a responsive pleading
11 thereto; and

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including each Class Member's full name, most recent mailing address, social security number, number of workweeks that each Class Member worked during the Class Period and the PAGA Period, and any other relevant information needed to calculate settlement payments ("Class List")	20 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail the Notice to Class Members via U.S. Mail	10 calendar days after Settlement Administrator's receipt of Settlement Class List
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 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

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<u>EVENT</u>	<u>TIMING</u>
Final settlement approval hearing	_____, at _____m. The Parties suggest the final approval hearing be held approximately 100 days after this preliminary approval order is signed.

Dated: _____

JUDGE OF THE SUPERIOR COURT