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and Proposed Class Counsel  
8

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

12 HOLLY BROWN, on behalf of herself and  
all "aggrieved employees" pursuant to  
13 Labor Code § 2698 *et seq.*,

14 Plaintiff,

15 v.

16 PARKER BUILDING SUPPLY-USLBM  
LLC, a Delaware limited liability company,  
17 and DOES 1 through 10, inclusive,

18 Defendants.  
19  
20

CASE NO: CIV-SB-2200451

*Assigned to the Honorable Joseph T. Ortiz, Dept.  
S17*

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

**DATE: April 12, 2023  
TIME: 1:30 p.m.  
DEPT.: S17**

*Action Filed: January 6, 2022*

1 Plaintiff Holly Brown's ("Plaintiff") Unopposed Motion for Preliminary Approval of Class  
2 Action Settlement and for Leave to File First Amended Complaint came on for hearing before this  
3 Court in Department S17, Judge Joseph T. Ortiz presiding, on April 12, 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 Joint Stipulation of Class and Representative Action Settlement ("Settlement") filed  
8 with the Court. The 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 Proposed  
13 Class Action Settlement and Final Hearing ("Notice"), and also approves the procedure for  
14 members of the Class to object to the settlement set forth in the Notice;

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

20 5. It is ordered that the Settlement Class is preliminarily certified for settlement  
21 purposes only. The Settlement Class is defined as follows: all persons who are or were employed  
22 in California by Defendant as non-exempt employees at any point from January 6, 2018 through  
23 December 31, 2022;

24 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines  
25 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees  
26 of up to 35% of the Class Settlement Amount (or \$245,000) and documented litigation costs of up  
27 to \$20,000 to Class Counsel, subject to final approval by the Court following a further motion by  
28 Class Counsel;

7. The Court approves and appoints Plaintiff Holly Brown as the Class Representative and grants preliminary approval to proposed Class Representative Enhancement Payment in an amount not to exceed \$15,000;

8. The Court grants preliminary approval of the allocation of \$40,000 to penalties under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$30,000) shall be paid to the LWDA and 25% (\$10,000) of the PAGA Payment shall be distributed to the Aggrieved Employees as their Aggrieved Employee Payment;

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

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

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

| <b><u>EVENT</u></b>                                                                                                                                                                                                                                                                                                            | <b><u>TIMING</u></b>                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Last day for Defendant to provide to the Claims Administrator a complete list of all Class Members, including their name, most recent mailing address and telephone number, Social Security Number, dates of employment, and the respective number of pay periods that he or she worked during the Class Period ("Class List") | 14 calendar days after entry of Court's Order granting preliminary approval of Settlement |
| Last day for Claims Administrator to mail Notice to Class Members                                                                                                                                                                                                                                                              | 10 calendar days after Claims Administrator's receipt of Class List                       |
| Last day for Class Members to submit a written request for exclusion to the Claims 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 Claims 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                        |

| <u><b>EVENT</b></u>                                                                                                                                                              | <u><b>TIMING</b></u>                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Last day for Class Counsel to file with the Court and serve declaration by Claims Administrator specifying the due diligence undertaken with regard to the mailing of the Notice | 10 calendar days before the final settlement approval hearing date               |
| Final settlement approval hearing                                                                                                                                                | _____, 2023,<br>at _____.m. (approximately 90 days<br>after entry of this Order) |

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT