

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Blvd., Suite 100
Westlake Village, CA 93162
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

JAKE D. FINKEL, ESQ. SBN 293954
jake@finkelfirm.com
THE FINKEL FIRM
3470 Wilshire Blvd, Suite 830
Los Angeles, CA 90010
Telephone: (213) 787-7411
Facsimile: (323) 916-0521

Attorneys for Plaintiff Ricardo Pantoja
and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

RICARDO PANTOJA, on behalf of
himself and all others similarly situated;

Plaintiff,

v.

SOUTH BAY SAFETY, INC., a
California Corporation; ACME
FURNITURE INDUSTRY, INC., a
California Corporation, and DOES 1
through 50 inclusive,

Defendants.

CASE NO: 21STCV38848

Assigned to the Hon. Carolyn B. Kuhl, Dept. SS12

CLASS ACTION

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

DATE: July 23, 2024

TIME: 10:30 a.m.

DEPT.: SSC-12

Action Filed: October 21, 2021

Plaintiff Ricardo Pantoja's ("Plaintiff" or "Pantoja") motion for preliminary approval of class action settlement came on for hearing before this Court in Department SSC-12, Judge Carolyn B. Kuhl presiding, on July 23, 2024 at 10:30 a.m. The Court, having considered the papers submitted in support of the motion and having heard oral argument of the parties,

1 **HEREBY ORDERS THE FOLLOWING:**

2 1. The Court grants preliminary approval of the settlement based upon the terms set
3 forth in the Class Action and PAGA Settlement Agreement and Class Notice (“Settlement
4 Agreement”) filed with the Court. The settlement appears to be fair, adequate, and reasonable to
5 the class;

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

8 3. The Court approves, as to form and content, the Court Approved Notice of Class
9 Action Settlement and Hearing Date for Final Court Approval (the “Notice”);

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

15 5. It is ordered that the settlement class is preliminarily certified for settlement
16 purposes only. The settlement class is defined as follows: all persons within the State of
17 California who are or were employed by South Bay and placed to work at Acme in a non-exempt
18 position in the State of California during the Class Period;

19 6. The Court approves the Gross Settlement Amount of \$500,000;

20 7. The Court confirms Daniel F. Gaines, Esq. and Alex P. Katofsky, Esq. of Gaines
21 & Gaines, APLC and Jake D. Finkel of The Finkel Firm as Class Counsel, and grants preliminary
22 approval of an award of attorneys’ fees of up to \$166,666.67 and documented litigation costs of
23 up to \$25,000 to Class Counsel, subject to final approval by the Court following a further motion
24 by Class Counsel;

25 8. The Court confirms Ricardo Pantoja as the Class Representative and grants
26 preliminary approval to a proposed service payment in an amount not to exceed \$7,500;

27 9. The Court grants preliminary approval of the Private Attorneys General Act
28 payment of \$37,500 to the Labor and Workforce Development Agency;

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

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendants to deliver to the Settlement Administrator each Class Members' name, last-known mailing address, Social Security number, and number of Class Period Workweeks and PAGA Pay Periods ("Class Data")	15 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice to Class Members	14 calendar days after receipt of the Class Data
Last day for Class Members to submit a written request for exclusion or a workweek dispute to the Settlement Administrator	60 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	60 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	No later than 16 Court days before the final 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	No later than 16 Court days before the final approval hearing.
Final settlement approval hearing	_____, 2024, at _____. The Parties suggest the final approval hearing be held approximately 120 days after this preliminary approval order is signed.

23
24
25 Dated: _____

JUDGE OF THE SUPERIOR COURT