

1 R. Rex Parris (SBN 96567)
2 Alexander R. Wheeler (SBN 239541)
3 Kitty K. Szeto (SBN 258136)
4 Ryan A. Crist (SBN 316653)
5 **PARRIS LAW FIRM**
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10 Attorneys for Plaintiff

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAY 11 2022

BY 
JESSICA MORALES, DEPUTY

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

13 ANDREW NUGENT-GOMEZ,
14 individually, on behalf of other members of
15 the general public similarly situated;

16 Plaintiff,

17 v.

18 SHAWCOR PIPELINE PROTECTION
19 LLC, an unknown business entity;
20 SHAWCOR PIPE PROTECTION LLC, an
21 unknown business entity; SHAWCOR, an
22 unknown business entity; and DOES 1
23 through 100, inclusive,

24 Defendants.

Case No. CIVDS2001526

[Assigned for All Purposes to the
Honorable David Cohn, Dept. S26]

CLASS ACTION

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

[Filed Together with Plaintiff's Unopposed
Motion; Declaration of Kitty K. Szeto]

Date: May 11, 2022
Time: 10:00 a.m.
Dept.: S26

Complaint Filed: January 16, 2020
Trial Date: None Set

1 Plaintiff Andrew Nugent-Gomez' unopposed motion for an order granting
2 preliminary approval of the proposed settlement of the above-captioned action on a
3 classwide basis, approving the manner and content of notice to the class, and setting a
4 final approval hearing came on for hearing before the above-entitled court.

5 Having read the Joint Stipulation and Agreement for Class and Representative
6 Action Settlement and Release ("Settlement Agreement") attached as Exhibit "A" to the
7 Declaration of Kitty K. Szeto and supporting documents, the unopposed motion for
8 preliminary approval, as well as the points and authorities and declarations filed in
9 support thereof, the Court finds that: the proposed settlement appears fair, reasonable,
10 and adequate; notice of the proposed settlement should be sent to the class in the manner
11 described herein; and a hearing should be held after said notice is issued to determine if
12 the Settlement Agreement and the proposed settlement are fair, reasonable, and adequate
13 to the class and if an order granting final approval should be entered in this action based
14 upon the terms of the Settlement Agreement.

15 **IT IS THEREFORE ORDERED THAT:**

16 1. This Order incorporates by reference the parties' Settlement Agreement and
17 all defined terms herein shall have the same meaning as set forth in the Settlement
18 Agreement.

19 2. The Settlement Agreement, the proposed Settlement described therein, and
20 the total maximum settlement amount of **\$1,100,000.00** are preliminarily approved as
21 fair, reasonable, and adequate.

22 3. The Court hereby appoints the Parris Law Firm and Lawyers *for* Justice,
23 PC as Class Counsel and preliminarily approves Class Counsel's request for attorneys'
24 fees in the amount of \$385,000 and costs in an amount not to exceed \$25,000.

25 4. The Court hereby appoints Plaintiff Andrew Nugent-Gomez and Thomas
26 Contreras as the Class Representatives and preliminarily approves the Class
27 Representative Service Award request in the total amount of \$10,000 to each Class
28 Representative.

1 5. A hearing ("Final Approval Hearing") shall be held before the Honorable
2 David Cohn in Department S26 of the above-entitled court located at **247 West Third**
3 **Street, San Bernardino, California 92415** on **July 14, 2022** at **10:00 a.m.** to determine:
4 whether the proposed Settlement, on the terms and conditions provided for in the
5 Settlement Agreement, is fair, reasonable, and adequate and whether said Settlement
6 should be finally approved by the Court. The Court may adjourn or continue the Final
7 Approval Hearing without further notice to the Class Members.

8 6. The Court hereby approves, as to form and content, the Notice of Proposed
9 Class Action and Hearing for Court Approval attached as Exhibit "1" to the Settlement
10 Agreement ("Class Notice").

11 7. The Court hereby appoints Simpluris, Inc. as the Settlement Administrator.

12 8. The Court finds that the mailing of the Class Notice substantially in the
13 manner and form as set forth in the Settlement Agreement and this Order meets the
14 requirements of Section 382 of the Code of Civil Procedure, Rule 3.769 of the California
15 Rules of Court, and due process, and is the best notice practicable under the
16 circumstances, and shall constitute due and sufficient notice to all persons entitled
17 thereto.

18 9. Within five (5) calendar days after preliminary approval, Defendant shall
19 provide the Settlement Administrator with a Microsoft Office Excel spreadsheet
20 containing each Class Member's full name, last known address, Social Security number,
21 dates of employment during the Class Period; and the number of weeks worked during
22 the Class Period as an hourly-paid employee; and any other relevant information needed
23 to identify Class Members and calculate settlement payments ("Class List").

24 10. Within five (5) calendar days after the delivery of the Class List, the
25 Settlement Administrator shall mail the Class Notice to the Class Members by First Class
26 mail through the United States Postal Service.

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28 ////

1 11. Class Members will then have thirty (30) calendar days from the date of the
2 mailing of the Class Notice to timely submit an opt out or a written objection to the
3 proposed Settlement.

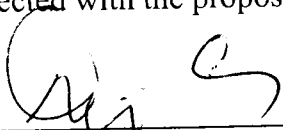
4 12. The Settlement Administrator shall furnish counsel for the parties with a
5 weekly report regarding the status of mailing and the processing of opt outs and
6 objections.

7 13. All discovery and other pretrial proceedings are stayed and suspended until
8 further order of the Court, except such proceedings as may be necessary to implement the
9 Settlement Agreement and this Order.

10 14. The Court reserves the right to adjourn or continue the date of the Final
11 Approval Hearing without further notice to the Class Members, and retains jurisdiction to
12 consider all further applications arising out of or connected with the proposed Settlement.

13 **IT IS SO ORDERED.**

14 DATE: 5/11/20



Honorable David Cohn
San Bernardino County Superior Court

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 43364 10th Street West, Lancaster, California 93534.

On March 8, 2022, I served the foregoing document described as **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** as follows:

Lisa Reimbold, Esq.
LReimbold@ClarkHill.com

Counsel for Defendants Shawcor Pipeline Protection, LLC, Shawcor Pipe Protection LLC, Shawcor

CLARK HILL LLP

555 South Flower Street, 24th Floor

Los Angeles, California 90017

Telephone: (213) 417-5330

Facsimile: (213) 488-1178

[X] **BY MAIL as follows:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U. S. postal service on that same day with postage thereon fully prepaid at Lancaster, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on March 8, 2022, at Lancaster, California.

[X] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Monica Alvarez