

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

7 Attorneys for Plaintiff Arturo Gonzalez
and Proposed Class Counsel

8 JAMES KAWAHITO, ESQ. SBN 234851
jkawahito@kawahitolaw.com
9 **KAWAHITO LAW GROUP APC**
10 300 Corporate Pointe, Suite 340
Culver City, CA 90230
11 Telephone: (310) 746-5300
Facsimile: (310) 593-2520

12 Attorneys for Plaintiff Randall Hord
13 and Proposed Class Counsel

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF KERN**
16

17 ARTURO GONZALEZ, on behalf of
18 himself and all "aggrieved employees"
pursuant to Labor Code § 2698 *et seq.*,
19

20 Plaintiffs,

21 v.

22 JTI ELECTRICAL &
INSTRUMENTATION,
23 LLC, a Delaware limited liability company,
and DOES 1 through 10, inclusive,

24 Defendants.
25

CASE NO: BCV-21-102905

Assigned to the Hon. Thomas S. Clark, Dept. 17

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

DATE: October 10, 2023

TIME: 8:30 a.m.

DEPT.: 17

Action Filed: December 13, 2021

1 Plaintiffs Arturo Gonzalez and Randall Hord's ("Plaintiffs") Unopposed Motion for
2 Preliminary Approval of Class Action Settlement and for Leave to File First Amended Complaint
3 came on for hearing before this Court in Department 17, Judge Thomas S. Clark presiding, on
4 October 10, 2023. The Court, having considered the papers submitted in support of the motion and
5 having heard 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 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 Proposed
13 Class Action Settlement and Final Hearing ("Notice"), attached as Exhibit 1 to the Settlement, and
14 Request for Exclusion ("Exclusion Form"), attached as Exhibit 2 to the Settlement, and also
15 approves the procedure for members of the Class to object to the settlement set forth in the Notice
16 and Exclusion Form;

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

22 5. It is ordered that the Settlement Class is preliminarily certified for settlement
23 purposes only. The Settlement Class is defined as follows: all non-exempt employees of Defendant
24 in California at any time between December 13, 2017 and June 30, 2023;

25 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
26 & Gaines, APLC and James Kawahito of Kawahito Law Group APC as Class Counsel, and grants
27 preliminary approval of an award of attorneys' fees of up to 35% of the Class Settlement Amount
28 (or \$507,500) which will be paid 60% to Gaines & Gaines, APLC and 40% to Kawahito Law

1 Group, P.C., pursuant to an attorney fee sharing agreement signed by Plaintiffs, and documented
2 litigation costs of up to \$30,000 to Class Counsel, subject to final approval by the Court following
3 a further motion by Class Counsel;

4 7. The Court approves and appoints Plaintiffs Arturo Gonzalez and Randall Hord as
5 the Class Representatives and grants preliminary approval to proposed Service Payments and
6 General Release Payments to the Class Representatives in an amount not to exceed \$12,000 each
7 (\$24,000 total);

8 8. The Court grants preliminary approval of the allocation of \$145,000 to penalties
9 under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$108,750)
10 shall be paid to the LWDA and 25% (\$36,250) shall be paid to Aggrieved Employees as part of the
11 Net Settlement Proceeds;

12 9. The Court hereby approves and appoints Phoenix Settlement Administrator as the
13 Claims Administrator and grants preliminary approval of the payment of fees and other charges of
14 the Claims Administrator in an amount not to exceed \$12,000;

15 10. The Court grants Plaintiffs leave to file the First Amended Class and Representative
16 Action Complaint attached as Exhibit 3 to the Settlement, within five (5) court days of the entry of
17 this Order, and consents that Defendant is not required to file a responsive pleading thereto;

18 11. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
19 connection with the administration of the settlement which are not materially inconsistent with
20 either this Order or the terms of the Settlement Agreement. To facilitate administration of the
21 Settlement pending final approval, the Court hereby enjoins all members of the Settlement Class
22 from filing or prosecuting any claims, suits or administrative proceedings regarding claims released
23 by the Settlement unless and until such Settlement Class members have filed valid Requests for
24 Exclusion with the Claims Administrator and the time for filing claims with the Claims
25 Administrator has elapsed.

26 12. The Court orders the following schedule of dates for the specified actions/further
27 proceedings:
28

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Claims 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")	10 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Claims Administrator to mail Notice and Exclusion Form to Class Members	20 calendar days after Claims Administrator's receipt of Class List
Last day for Class Members to submit a written Exclusion Form 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
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, at _____.m. (approximately 90 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT