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LAURA TORRES

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

LAURA TORRES, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

R. A. PHILLIPS INDUSTRIES, INC., a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No. 21STCV41572

*[Assigned for all purposes to the Hon.
Kenneth R. Freeman, Dept. SSC-14]*

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

Date: September 5, 2023
Time: 10:00 a.m.
Dept.: SSC-14

Action Filed: November 10, 2021
Trial Date: None Set

1 The Motion of Plaintiff Laura Torres (“Plaintiff”) for Preliminary Approval of Class Action
2 Settlement will come on regularly for hearing before this Court on September 5, 2023 at 10:00 a.m.
3 The Court, having considered the proposed Joint Stipulation and Settlement Agreement (the
4 “Settlement”), attached as **Exhibit 2** to the Declaration of Elizabeth Nguyen filed concurrently with the
5 Motion; having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement,
6 Memorandum of Points and Authorities in support thereof, and supporting declarations filed therewith;
7 and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set forth in
9 the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately
10 could be granted approval by the Court at a Final Fairness Hearing. For purposes of the Settlement,
11 the Court finds that the proposed Settlement Class is ascertainable and that there are a sufficiently well-
12 defined community of interest among the members of the Settlement Class in questions of law and fact.
13 Therefore, for settlement purposes only, the Court grants conditional certification of the following
14 Settlement Class:

15 All current and former hourly-paid or non-exempt employees of Defendant
16 R. A. Phillips Industries, Inc. who worked at any time in California between
17 November 10, 2017 and the date of preliminary approval (unless the
Escalator Clause is triggered and Defendant elects to close the Class Period
earlier).

18 2. For purposes of the Settlement, the Court designates named Plaintiff Laura Torres as
19 Class Representative, and Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC
20 and Paul Haines of Haines Law Group, APC as Class Counsel.

21 3. The Court designates Phoenix Class Action Administration Solutions as the third-party
22 Settlement Administrator for mailing notices.

23 4. The Court approves, as to form and content, the Court Approved Notice of Class Action
24 Settlement and Hearing Date for Final Court Approval (“Class Notice”) and is attached to the Settlement
25 as Exhibit A.

26 5. The Court finds that the form of notice to the Settlement Class regarding the pendency of
27 the action and of the Settlement, and the methods of giving notice to members of the Settlement Class,
28

1 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient
2 notice to all members of the Settlement Class. The form and method of giving notice complies fully
3 with the requirements of California Code of Civil Procedure section 382, California Civil Code section
4 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and
5 other applicable law.

6 6. The Court further approves the procedures for Settlement Class Members to opt out of or
7 object to the Settlement, as set forth in the Class Notice.

8 7. The procedures and requirements for filing objections in connection with the Final
9 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
10 presentation of any Settlement Class Member's objection to the Settlement, in accordance with the due
11 process rights of all Settlement Class Members.

12 8. The Court directs the Settlement Administrator to mail the Class Notice to the members
13 of the Settlement Class in accordance with the terms of the Settlement.

14 9. The Class Notice shall provide at least 45 calendar days' notice for members of the
15 Settlement Class to opt out of, or object to, the Settlement.

16 10. The Final Fairness Hearing on the question of whether the Settlement should be finally
17 approved as fair, reasonable, and adequate is scheduled in Department 14 of this Court, located at 312
18 North Spring Street, Los Angeles, California, 90012 on _____, 2023 at _____ a.m. /
19 p.m.

20 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should
21 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment
22 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for
23 reasonable attorneys' fees, reimbursement of litigation expenses, service award to Plaintiff, and payment
24 to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code
25 Private Attorneys General Act ("PAGA") should be granted.

26 12. Counsel for Plaintiff shall file memoranda, declarations, or other statements and materials
27 in support of her request for final approval of the Settlement, attorneys' fees, litigation expenses,
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Plaintiff's service award, settlement administration costs, and payment to the LWDA for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

13. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to Settlement Administrator	15 calendar days after the preliminary approval order is entered and served
Settlement Administrator to mail Notice Packets to Class Members	14 calendar days after receiving Class Data from Defendant
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	45 calendar days after mailing of the Notice by the Settlement Administrator
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	16 Court days before Final Fairness Hearing
Final Fairness Hearing:	_____, 2023 at _____ a.m./p.m.

14. Pending the Final Fairness Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

15. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

Dated: _____, 2023

Honorable Kenneth R. Freeman
Judge of the Superior Court