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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

GERARDO SANCHEZ, as an individual
and on behalf of all others similarly
situated,

Plaintiff,

vs.

DUTTON HOME SERVICES, LLC, a
California corporation; and DOES 1
through 100,

Defendants.

CASE NO. 22STCV01834

*[Case assigned for all purposes to the Hon.
Maren E. Nelson, Dept. 17]*

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

Date: May 22, 2023
Time: 9:00 a.m.
Dept.: 17

Action Filed: January 14, 2022
Trial Date: None Set

1 Plaintiff Gerardo Sanchez (“Plaintiff”) Motion for Preliminary Approval of Class Action
2 Settlement came regularly for hearing before this Court on May 22, 2023, at 9:00 a.m. The Court,
3 having considered the proposed Class Action and PAGA Settlement Agreement (the “Settlement
4 Agreement”), attached as Exhibit 1 to the Declaration of Fletcher W. Schmidt filed concurrently
5 herewith; having considered Plaintiff’s Motion for Preliminary Approval of Class Action
6 Settlement, Memorandum of Points and Authorities in support thereof, and supporting
7 declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

15 All current and former non-exempt employees of Defendant Dutton
16 Home Services, LLC (“Defendant”) and/or its predecessor, Dutton
17 Plumbing, Inc., in California who worked at any time between
January 14, 2018, and November 22, 2022 (the “Class Period”)

18 2. For purposes of the Settlement, the Court designates named Plaintiff Gerardo
19 Sanchez as Class Representative and designates Fletcher W. Schmidt, Paul K. Haines, Andrew J.
20 Rowbotham, and Susan J. Perez of Haines Law Group, APC as Class Counsel.

21 4. The Court designates CPT Group, Inc. as the third-party Settlement Administrator
22 for mailing notices.

23 5. The Court approves, as to form and content, the Notice of Proposed Class Action
24 Settlement (“Class Notice”) attached as Exhibit A to the Settlement Agreement.

25 6. The Court finds that the form of notice to the Settlement Class regarding the
26 pendency of the action and of the Settlement, and the methods of giving notice to members of the
27 Settlement Class constitute the best notice practicable under the circumstances, and constitute
28 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of

1 giving notice complies fully with the requirements of California Code of Civil Procedure § 382,
2 California Civil Code § 1781, California Rules of Court 3.766 and 3.769, the California and
3 United States Constitutions, and other applicable law.

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

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

10 9. The Court directs the Settlement Administrator to mail the Class Notice to the
11 members of the Settlement Class in accordance with the terms of the Settlement. The Court directs
12 the Settlement Administrator to carry out all duties as required by the Settlement.

13 10. The Class Notice shall provide at least 60 calendar days' notice for members of
14 the Settlement Class to opt out of, or object to the Settlement. Any Request for Exclusion or
15 Objection shall be submitted directly to the Settlement Administrator and not filed with the Court.
16 Upon receipt of any Requests for Exclusion or Objections, the Settlement Administrator shall
17 forward copies of all Requests for Exclusion and Objections to counsel for all parties. The
18 Settlement Administrator shall file a declaration concurrently with the filing of the Motion for
19 Final Approval of Class Action Settlement which authenticates a copy of every Request for
20 Exclusion and Objection received by the Settlement Administrator. The Settlement Administrator
21 shall give notice to any objecting Settlement Class member of any continuance of the hearing on
22 Plaintiff's Motion for Final Approval of Class Action Settlement.

23 11. The Final Fairness Hearing on the question of whether the Settlement should be
24 finally approved as fair, reasonable, and adequate is scheduled in Department SSC17 of this
25 Court, located at 312 N Spring St, Los Angeles, California 90012 on _____, at
26 _____ a.m./p.m.

27 12. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
28 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether

a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for reasonable attorneys' fees, reimbursement of litigation expenses, service payment to Plaintiff, settlement administration costs, and payment to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

13. Counsel for the parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of the Settlement, attorneys' fees, litigation expenses, Plaintiff's service payment, 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.

14. An implementation schedule is below (assuming the Court signs this Order on May 22, 2023):

Event	Date
Defendant to provide Class Member information to the Settlement Administrator no later than [10 business days after preliminary approval]:	June 6, 2023
Settlement Administrator to mail Class Notice to Class Members no later than [10 business days from receipt of Class Member information]:	June 20, 2023
Deadline for Class Members to request exclusion from, submit dispute, or object to the Settlement [60 calendar days from mailing of Class Notice]:	August 21, 2023
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	September 18, 2023
Final Fairness Hearing [on or after October 11, 2023]:	_____, 2023

15. 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.

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

4 **IT IS SO ORDERED.**

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6 Dated: _____, 2023

Honorable Maren E. Nelson
Judge of the Superior Court