

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 Brandon Velazquez
and Proposed Class Counsel
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF KERN**
11

12 BRANDON VELAZQUEZ, on behalf of
himself and on behalf of all similarly
13 situated individuals,

14 Plaintiff,

15 v.

16 PRECISION ALMOND HARVESTING
LLC, a California limited liability
17 company, and DOES 1 through 10,
inclusive,

18 Defendants.
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CASE NO: BCV-22-100125

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

CLASS ACTION

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

DATE: February 24, 2023

TIME: 8:30 a.m.

DEPT.: 17

Action Filed: January 14, 2022

1 Plaintiff Brandon Velazquez's ("Plaintiff" or "Velazquez") Unopposed Motion for
2 Preliminary Approval of Class Action Settlement came on for hearing before this Court in
3 Department 17, Judge Thomas S. Clark presiding, on February 24, 2023. The Court, having
4 considered the papers submitted in support of the motion and having heard oral argument of the
5 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") and Request for Exclusion ("Exclusion
14 Form"), and also approves the procedure for members of the Class to object to the settlement set
15 forth in the Notice;

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

21 5. It is ordered that the Settlement Class is preliminarily certified for settlement
22 purposes only. The Settlement Class is defined as follows: all persons who are or were previously
23 employed in California by Defendant as non-exempt employees at any point from January 14, 2018
24 through November 15, 2022;

25 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
26 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
27 of up to 35% of the Maximum Settlement Amount (or \$78,750) and documented litigation costs of
28 up to \$10,000 to Class Counsel, subject to final approval by the Court following a further motion

1 by Class Counsel;

2 7. The Court approves and appoints Plaintiff Brandon Velazquez as the Class
3 Representative and grants preliminary approval to a proposed Enhancement Payment in an amount
4 not to exceed \$10,000;

5 8. The Court grants preliminary approval of the allocation of \$8,000 to penalties under
6 the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$6,000) shall be
7 paid to the LWDA and 25% (\$2,000) shall be included in the Net Settlement Proceeds for payment
8 to Class Members;

9 9. The Court hereby approves and appoints Phoenix Settlement Administration as the
10 Settlement Administrator and grants preliminary approval of the payment of fees and other charges
11 of the Settlement Administrator in an amount not to exceed \$6,000;

12 10. The Court orders the following schedule of dates for the specified actions/further
13 proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement 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 Settlement Administrator to mail Class Notice and Exclusion Form to Class Members	20 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Class Members to submit a written request for exclusion to the Settlement 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 Settlement 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 Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice and Exclusion Form	10 calendar days before the final settlement approval hearing date

EVENT	TIMING
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