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Attorneys for Plaintiff ADAM WACHTER, an
5 individual, on behalf of himself and all others
similarly situated and aggrieved
6

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

11 ADAM WACHTER, an individual, on
behalf of himself and all others similarly
12 situated and aggrieved,

13 Plaintiffs,

14 v.

15 MTX GROUP, INC., a corporation; and
DOES 1 through 20, inclusive,
16

17 Defendants.
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CASE NO. 22STCV28782

Assigned for all purposes to:
Hon. Elihu M. Berle, Dept. 6

**[PROPOSED] ORDER RE MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Date: November 22, 2023
Time: 11:00 a.m.
Dept.: 6

Action filed: September 2, 2022
Trial date: None
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1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that, on behalf of himself and all others similarly situated and
3 aggrieved, plaintiff Adam Wachter's ("Plaintiff") motion for preliminary approval of class action
4 and PAGA settlement came on for hearing on November 22, 2023, at 11:00 a.m. in Department 6
5 of the Los Angeles County Superior Court, located at 312 N. Spring Street, Los California 90012.
6 Steven M. Kroll appeared on behalf of Plaintiff. Todd B. Scherwin appeared on behalf defendant
7 MTX Group, Inc. ("Defendant").

8 After carefully considering the motion, its supporting papers, and the arguments of
9 counsel, the motion for preliminary approval is GRANTED. As such, the Court ORDERS as
10 follows:

11 1. The class action and PAGA settlement in the gross amount of \$90,000, including,
12 and not limited to, the allocation and distribution of the net settlement funds, and the allocation
13 for penalties under the California Labor Code Private Attorneys General Act ("PAGA") is
14 preliminarily approved;

15 2. The proposed class for purposes of settlement is preliminarily approved;

16 3. Plaintiff as representative of the proposed class for purposes of settlement is
17 preliminarily approved;

18 4. The appointment of attorney Steven M. Kroll of Bent Caryl & Kroll, LLP as
19 counsel for the proposed class for purposes of settlement is preliminarily approved;

20 5. The application for payment to class counsel of reasonable attorneys' fees of
21 thirty-five percent (35%) of the gross settlement amount at \$31,500 and reasonable costs not to
22 exceed \$5,000 is preliminarily approved.

23 6. The payment of a service award to Plaintiff to compensate him for the time,
24 expense, and risk he incurred as a named plaintiff and class representative in this action in the
25 amount of \$2,500 is preliminarily approved;

26 7. The settlement administration services to be provided by ILYM Group, Inc. not to
27 exceed \$5,000 is preliminarily approved;

8. The form and content of the proposed class notice, which is attached as Exhibit A to the Class Action and PAGA Settlement Agreement (“Settlement Agreement”), is preliminarily approved;

9. The Settlement Administrator is directed to send the class notice by first class mail to the settlement class members; and

10. A final hearing on the question of whether the proposed class settlement should be finally approved as fair, reasonable, and adequate as to the members of the proposed settlement class is set to be heard on

IT IS SO ORDERED.

Dated:

ELIHU M. BERLE
SUPERIOR COURT JUDGE

1 **PROOF OF SERVICE**

2 I, Steven M. Kroll, declare:

3 I am a citizen of the United States and employed in Los Angeles County, California. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address
5 is 6300 Wilshire Boulevard, Suite 1415, Los Angeles, California 90048. On September 1, 2023, I
6 served a copy of the within document(s):

7 **[PROPOSED] ORDER RE MOTION FOR PRELIMINARY APPROVAL OF**
8 **CLASS ACTION AND PAGA SETTLEMENT**

9 by placing the document(s) listed above in a sealed envelope with postage thereon
10 fully prepaid, in the United States mail at Los Angeles, California addressed as set
11 forth below.

12 by placing the document(s) listed above in a sealed Overnite Express envelope and
13 affixing a pre-paid air bill, and causing the envelope to be delivered to an Overnite
14 Express agent for delivery.

15 by personally delivering the document(s) listed above to the person(s) at the
16 address(es) set forth below.

17 **X** by electronically serving the document(s) listed above on counsel of record set
18 forth below by transmission to CASE ANYWHERE.

19 Todd B. Scherwin, Esq.
20 Fisher & Phillips, LLP
21 444 S. Flower Street, Suite 1500
22 Los Angeles, CA 90071
23 Telephone: (213) 330-4450
24 tscherwin@fisherphillips.com
25 *Attorneys for Defendant*
26 *MTX Group, Inc.*

California Labor & Workforce
Development Agency
Attn: PAGA Administrator
1515 Clay Street, Suite 801
Oakland, California 94612
PAGA@dir.ca.gov
Via Online PAGA Filing System

27 I am readily familiar with the firm's practice of collection and processing correspondence
28 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
day with postage thereon fully prepaid 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.

I declare under penalty of perjury under the laws of the State of California that the above
is true and correct. Executed on September 1, 2023, at Los Angeles, California.



Steven M. Kroll