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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – COMPLEX CIVIL DEPARTMENT

JOHN ARIAS, individually, and on behalf of all
others similarly situated; and JEFFREY
HENSLEY, individually, and on behalf of all
others similarly situated,

Plaintiffs,

v.

FLOWSERVE US, INC.; and DOES 1 through
10, inclusive,

Defendants.

Case No. 22STCV27829

**CLASS ACTION AND
REPRESENTATIVE ACTION**

*[Assigned for all purposes to: Hon. Maren E.
Nelson, Dept. 17]*

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

PRELIMINARY APPROVAL HEARING

Date: February 9, 2023

Time: 9:00 a.m.

Dept: 17

1 The Court has before it Plaintiffs John Arias and Jeffrey Hensley’s (“Plaintiffs”)
2 Motion for Preliminary Approval of Class Action Settlement. Having reviewed the Motion
3 for Preliminary Approval of Class Action Settlement, the Declaration of Nicol E. Hajjar, the
4 Stipulation for Class Action Settlement (which is referred to here as the “Settlement
5 Agreement”), and good cause appearing, the Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
7 be fair, adequate, and reasonable and therefore meets the requirements for preliminary
8 approval. The Court grants preliminary approval of the Settlement and the Settlement Class
9 based upon the terms set forth in the Settlement Agreement between Plaintiffs John Arias,
10 Jeffrey Hensley and Defendant Flowserve US, Inc. (“Defendant”), attached to the Declaration
11 of Nicol E. Hajjar, Esq. in Support of Plaintiff’s Motion for Preliminary Approval of Class
12 Action Settlement as Exhibit 1.

13 2. The Settlement falls within the range of reasonableness of a settlement which
14 could ultimately be given final approval by this Court, and appears to be presumptively valid,
15 subject only to any objections that may be raised at the Final Approval Hearing and final
16 approval by this Court. The Court notes that Defendants have agreed to create a common fund
17 of \$1,000,000.00 to cover (a) settlement payments to class members who do not validly opt
18 out; (b) a \$37,500.00 payment to the State of California, Labor & Workforce Development
19 Agency for its share of the settlement of claims for penalties under the Private Attorneys
20 General Act; (c) Class Representative service payment of up to \$15,000.00 for Plaintiffs John
21 Arias and Jeffrey Hensley and Plaintiff Esteban Romo of the Related Case (22STCV27551);
22 (d) Class Counsel’s attorneys’ fees, not to exceed 33-1/3% of the Gross Settlement Amount
23 (\$333,000.00), and up to \$20,000.00 in costs for actual litigation expenses incurred by Class
24 Counsel; and (e) Settlement Administration Costs of up to \$8,500.00.

25 3. The Court preliminarily finds that the terms of the Settlement appear to be
26 within the range of possible approval, pursuant to California Code of Civil Procedure § 382
27 and applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is
28 fair and reasonable to the class members when balanced against the probable outcome of

1 further litigation relating to class certification, liability and damages issues, and potential
2 appeals; (2) significant informal discovery, investigation, research, and litigation have been
3 conducted such that counsel for the parties at this time are able to reasonably evaluate their
4 respective positions; (3) settlement at this time will avoid substantial costs, delay, and risks
5 that would be presented by the further prosecution of the litigation; and (4) the proposed
6 settlement has been reached as the result of intensive, serious, and non-collusive negotiations
7 between the Parties with the assistance of a well-respected class action mediator. Accordingly,
8 the Court preliminarily finds that the Settlement Agreement was entered into in good faith.

9 4. A final fairness hearing on the question of whether the proposed settlement,
10 attorneys' fees and costs to Class Counsel, and the class representative's enhancement award
11 should be finally approved as fair, reasonable and adequate as to the members of the class is
12 hereby set in accordance with the Implementation Schedule set forth below.

13 5. The Court provisionally certifies for settlement purposes only the following
14 class (the "Settlement Class"): "All persons who worked for any Defendant in California as an
15 hourly-paid or non-exempt employee during the Settlement Period."

16 6. The Settlement Period means the period from August 25, 2018 through May 26,
17 2023.

18 7. The Court finds, for settlement purposes only, that the Settlement Class meets
19 the requirements for certification under California Code of Civil Procedure § 382 in that: (1)
20 the Settlement Class Members are so numerous that joinder is impractical; (2) there are
21 questions of law and fact that are common, or of general interest, to all Settlement Class
22 Members, which predominate over individual issues; (3) Plaintiff's claims are typical of the
23 claims of the Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and
24 adequately protect the interests of the Settlement Class Members; and (5) a class action is
25 superior to other available methods for the fair and efficient adjudication of the controversy.

26 8. The Court appoints as Class Representative, for settlement purposes only,
27 Plaintiffs John Arias and Jeffrey Hensley and Esteban Romo of the related case. The Court
28 further preliminarily approves Plaintiff's ability to request an incentive award up to

1 \$15,000.00 (\$5,000 per plaintiff).

2 9. The Court appoints, for settlement purposes only, Wilshire Law Firm, PLC as
3 Class Counsel. The Court further preliminarily approves Class Counsel's ability to request
4 attorneys' fees of up to one-third of the Total Settlement Amount (\$333,000.00), and costs not
5 to exceed \$20,000.00.

6 10. The Court appoints CPT Group, Inc. as the Settlement Administrator with
7 reasonable administration costs estimated not to exceed \$8,500.00.

8 11. The Court approves, as to form and content: (1) the Class Notice, attached as
9 Exhibit A to the Settlement Agreement; and (2) the Workweek Dispute Form, attached as
10 Exhibit B to the Settlement Agreement (collectively, "Notice Packets"). The Court finds on a
11 preliminary basis that plan for distribution of the Notice Packets to Settlement Class Members
12 satisfies due process, provides the best notice practicable under the circumstances, and shall
13 constitute due and sufficient notice to all persons entitled thereto.

14 12. The parties are ordered to carry out the Settlement according to the terms of the
15 Settlement Agreement.

16 13. Any class member who does not timely and validly request exclusion from the
17 settlement may object to the Settlement Agreement. Objections do not have to be in writing,
18 and can instead be made in person.

19 14. The Court orders the following Implementation Schedule:

20		
21	Defendants to provide Class List to the	
22	Settlement Administrator	March 29, 2024
23	Settlement Administrator to mail the Notice	
24	Packets	June 28, 2024
25		
26	Response Deadline	August 16, 2024
27		
28		

Deadline to Respond to Objections	August 23, 2024
Deadline for Administrator to Submit Report	August 30, 2024
Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Award to Plaintiff	September 6, 2024
Final Approval Hearing	September 30, 2024 at 9:00 a.m.

15. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

IT IS SO ORDERED.

DATE:

Hon. Maren E. Nelson
Los Angeles County Superior Court

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