

1 **LAW OFFICE OF SCOTT ERNEST WHEELER**

2 Scott Ernest Wheeler (SBN 187998)

3 Justin A. Wheeler (SBN 342226)

4 250 West First Street, Suite 216

5 Claremont, California 91711

6 Telephone: (909) 621-4988

7 Facsimile: (909) 621-4622

8 Email: sew@scottwheelerlawoffice.com

9 jaw@scottwheelerlawoffice.com

10 *Attorney for Plaintiff and the Putative Class*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

NOV 12 2024

By  Deputy

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF SAN BERNARDINO**
13 **SAN BERNARDINO JUSTICE CENTER**

14 RAMON URQUIZA, individually, and on
15 behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 ASC STAFFING GROUP, LLC, a
19 California Limited Liability Company;
20 UNIVERSAL CONTAINER &
21 PACKAGING, LLC, a California Limited
22 Liability Company; and DOES 1 through
23 50, inclusive,

24 Defendants.

CASE NO.: CIVSB2218188

[Hon. Christian Towns, Dept. S-26]

~~[PROPOSED]~~ **PRELIMINARY
APPROVAL ORDER OF CLASS ACTION
AND PAGA SETTLEMENT**

Action Filed: August 26, 2022

Trial Date: None Set

1 **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL**

2 The Court now has before it, Plaintiff's unopposed Motion for Preliminary Approval of Class
3 Action Settlement ("Motion"). After reviewing the Motion, the Class Action and PAGA Settlement
4 Agreement and Release ("Settlement Agreement") and exhibits attached thereto, and good cause
5 appearing therefore, the Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the settlement memorialized in the
7 Settlement Agreement appears to be fair and adequate, and falls within the range of reasonableness,
8 and therefore meets the requirement for preliminary approval.

9 2. The Court conditionally certifies for settlement purposes the following class (the
10 "Class" or "Settlement Class"):

11 All hourly, non-exempt employees who were hired by ASC Staffing Group, LLC
12 and placed to work at Universal Container & Packaging, LLC, in the
13 State of California, at any time from August 26, 2018 through May 31, 2024.

14 The Class Period is from August 26, 2018 through May 31, 2024.

15 3. The Court conditionally approves for settlement purposes the PAGA allocation of this
16 settlement to the California Labor and Workforce Development Agency ("LWDA") and PAGA
17 Members.

18 The PAGA Period is from August 26, 2018 through May 31, 2024

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

26 5. The Court appoints, for settlement purposes, Plaintiff Ramon Urquiza as
27 Representative for the Class.

28 6. The Court appoints, for settlement purposes, the Law Office of Scott E. Wheeler as

Counsel for the Class.

7. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

8. The Court appoints Phoenix Settlement Administrators (“Phoenix”) as the Settlement Administrator and is ordered to carry out the administration of the settlement according to the terms of the Settlement Agreement.

9. The Court approves as to form and content of the Class Action and PAGA Settlement Notice. The Court finds that the dates selected for the mailing and distribution of the Notice Packet meet the requirements of due process, provide the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

10. If any Class Member objects to the Settlement Agreement, the objecting party is not required, either personally or through counsel: 1) to appear at the hearing on the motion for final approval for that party’s objection to be considered; or 2) to file or serve, or to state in the objection, a notice of intention to appear at the hearing on the motion for Final Approval of the Class Settlement.

11. Phoenix, the Settlement Administrator, shall provide notice to any objecting party of any continuance of the hearing of Plaintiff’s Motion for Final Approval.

12. The Parties are ordered to carry out the Settlement according to the following implementation schedule:

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	November 26, 2024
Last day for Settlement Administrator to mail Class Notice	December 6, 2024
Last day for Class Members to submit a dispute regarding Workweek Disputes, Request for Exclusion, or written Objection	January 20, 2025
Last Day for Plaintiff to file Motion for Final Approval of the Class Settlement, Attorneys’ Fees and Costs and Class Representative Service Award	Per Code.
Final Approval Hearing	February 18, 2025

1 13. The Court finds that the method of giving notice to the Class constitutes the best means
2 practicable of providing notice under the circumstances. The Court further finds that the Notice Packet
3 and the method of giving notice to the Class meet the requirements of California Code of Civil
4 Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, and due process under the
5 California and United States Constitutions, and other applicable law.

6 14. At the Final Approval Hearing, the Court will consider whether the Settlement should
7 be finally approved as fair, reasonable and adequate, whether a final judgment should be entered, and
8 whether the payments provided for under the Settlement, including attorneys' fees and costs and class
9 representative service award, should be finally approved and granted.

10 15. Pending the Final Approval Hearing, all proceedings in this Action, other than
11 proceedings necessary to implement the Settlement and this Order, are stayed.

12 **IT IS SO ORDERED.**

13 DATED: NOV 12 2024
14 _____

Christian Towns

HONORABLE CHRISTIAN TOWNS
JUDGE OF THE SUPERIOR COURT