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SUPERIOR COURT OF THE STATE OF CALIFORNIA

THE COUNTY OF SAN DIEGO

RAYNE DEALERSHIP WAGE AND	)	Judicial Council Coordination
HOOR CASES	)	Proceeding: No. 5420
	)	
Colbourne v. Rayne Dealership	)	SUPERIOR COURT OF
Corporation	)	CALIFORNIA COUNTY OF SAN
	)	DIEGO NO. 25CU016047C
Pulley v. Rayne Dealership	)	
Corporation	)	SUPERIOR COURT OF
	)	CALIFORNIA COUNTY OF SAN
	)	DIEGO
	)	NO. 25CU025209C
	)	
	)	PROPOSED ORDER
	)	
	)	
	)	
	)	
	)	

1 **ORDER GRANTING PRELIMINARY APPROVAL OF**
2 **CLASS ACTION SETTLEMENT**

3 This matter came on for hearing on September 11, 2026 at 1:30 p.m. in
4 Department C-63 of the above-captioned court on Plaintiffs' Motion for Preliminary
5 Approval of Class Action Settlement, upon the terms and conditions set forth in the
6 Class Action and PAGA Settlement ("Settlement Agreement" or "Settlement"), a
7 copy of which is attached as **Exhibit 1** to this Order and incorporated herein by
8 reference as though part of this Order. Unless otherwise defined herein, capitalized
9 terms shall have the meanings ascribed to them in the Settlement Agreement.

10 The Court, having fully reviewed Plaintiffs' Motion for Preliminary Approval;
11 the Memorandum of Points and Authorities and Declarations filed in support thereof;
12 the Settlement Agreement; the Notice to Class of Proposed Settlement and Final
13 Approval Hearing (Class Notice); and in recognition of the Court's duty to make a
14 preliminary determination as to the reasonableness of any proposed class action
15 settlement, and if preliminarily determined to be reasonable, to ensure proper notice is
16 provided to Settlement Class Members in accordance with due process requirements,
17 and to set a Final Approval hearing regarding the proposed settlement, and having
18 heard the argument of Counsel for the respective parties, **THE COURT MAKES**
19 **THE FOLLOWING DETERMINATIONS AND ORDER:**

20 It appears to the Court that the settlement amount is fair and reasonable to the
21 Class when balanced against the probable outcome of further litigation relating to
22 class certification, liability and damages issues and potential appeals; it further
23 appears that significant investigation, research, and litigation has been conducted such
24 that counsel for the Parties at this time are able to reasonably evaluate their respective
25 positions; it further appears that settlement at this time will avoid the substantial costs,
26 delay, and risks associated with further litigation; it further appears that the proposed
27 Settlement has been reached as the result of intensive, serious and non-collusive
28 negotiations between the Parties.

1 Accordingly, good cause appearing, Plaintiffs' Motion for Preliminary
2 Approval of the Class Action Settlement is hereby GRANTED, and as a part of this
3 preliminary approval, the Court hereby orders that the class be conditionally certified
4 for settlement purposes only pursuant to California Code of Civil Procedure § 382.

5 **THE COURT FURTHER FINDS AND ORDERS AS FOLLOWS:**

- 6 1. The Settlement is fair, reasonable, and adequate.
- 7 2. The elements of numerosity, commonality, typicality, and adequacy have
8 been established to support conditional certification of the Class for settlement
9 purposes only.
- 10 3. The Settlement has no obvious deficiencies.
- 11 4. The Parties have performed significant investigation, research, formal
12 and informal discovery to allow counsel for the Parties to reasonably evaluate their
13 respective positions, and, as such, the Settlement is the product of serious, informed,
14 and non-collusive negotiations that was reached after arm's-length negotiations
15 between experienced counsel
- 16 5. The Court hereby appoints, for settlement purposes, Plaintiff Colbourne,
17 whose claims typical of the Settlement Class and will fairly and adequately represent
18 the interests of the Settlement Class, as the Class Representative.
- 19 6. The Court finds that the Law Offices of Thomas D. Rutledge and Pancer
20 Law Corporation are experienced in class and representative litigation and satisfy the
21 requirements for appointment as Class Counsel and, as such, they shall serve as Class
22 Counsel.
- 23 7. The provisionally certified Settlement Class shall consist of the
24 following:
25 **All nonexempt individuals the Defendant employed in**
26 **California from March 27, 2021 to either September 11,**
27 **2026, or the date immediately prior to the date when the**
28 **increase in total Workweeks exceeds 10% (i.e., 22,587 total**

1 **Workweeks).**

2 8. The Court also finds that the Plaintiffs provided notice of the proposed
3 Private Attorney General Act (PAGA) settlement to the California Labor and
4 Workforce Development Agency (LWDA) pursuant to Labor Code § 2699.3(a).

5 9. The Court finds that all aspects of the Settlement as it pertains to the
6 PAGA Payment to the LWDA and the Aggrieved Employees is fair and reasonable
7 and, as such, it is approved.

8 10. The Court approves and appoints Phoenix Settlement Administrators to
9 serve as the Settlement Administrator.

10 11. The Settlement Administrator shall perform all duties set forth in the
11 Settlement Agreement.

12 12. The Class Notice attached as **Exhibit 1** to **Exhibit 1** is approved and the
13 Court orders that an appropriately modified version of this Notice to be mailed to
14 Settlement Class Members in accordance with the terms of the Settlement.

15 13. The Court finds that the Class Notice constitutes the best notice
16 practicable under the circumstances and is in full compliance with the laws of the
17 state of California and, to the extent applicable, the United States Constitution and the
18 requirements of due process.

19 14. The Court further finds that the Class Notice fully and accurately informs
20 Settlement Class Members of all material elements of the proposed Class Action
21 Settlement, of each Settlement Class Member's right to be excluded from the class,
22 and each Settlement Class Member's right and opportunity to object to the proposed
23 Class Action Settlement.

24 15. The Class Notice adequately advises the class about:

25 A. The class action;

26 B. The settlement terms and the benefits available to each Settlement
27 Class Member;

28 C. Each Settlement Class Member's right to object and/or "opt out,"

1 and the timing and procedures for doing so;

2 D. The conditional certification of the Class for settlement purposes
3 only;

4 E. Preliminary court approval of the proposed settlement;

5 F. Timing and procedures for distributing the settlement funds; and

6 G. The date of the final fairness hearing, as well as the rights of
7 members to submit objections and appear in connection with said
8 hearing.

9 Accordingly, the Court hereby approves the proposed Class Notice and finds
10 that mailing to the last known address of members of the class, as specifically
11 described within the Settlement Agreement, constitutes an effective method of
12 notifying Settlement Class Members of their rights with respect to the class action and
13 proposed settlement.

14 **THE COURT FURTHER ORDERS AS FOLLOWS:**

15 16. Within 15 days after entry by the Court of its Order of Preliminary
16 Approval, Defendant shall provide the Settlement Administrator with the names,
17 social security numbers, dates of employment, weeks worked based on Defendant's
18 payroll records, and last-known mailing address for each member of the Class.

19 17. Any Class Member who wishes to object to the Settlement must file with
20 the Court and submit the objection to the Settlement Administrator pursuant to the
21 directions set forth in the Class Notice within 45 days after the date that the Class
22 Notice is sent to the Settlement Class.

23 18. Any Class Member who wishes to exclude themselves from the
24 Settlement must submit a request for exclusion pursuant to the directions set forth in
25 the Class Notice.

26 19. The Court will hold a hearing at _____ on _____, in
27 Department C-63 of the Superior Court of California for the County of San Diego
28 located at 330 West Broadway, San Diego, California 92101, to determine whether

1 the Court should grant final approval of the Settlement as fair, reasonable, and
2 adequate.

3 20. The Court will hear all evidence and argument necessary to evaluate the
4 Settlement, and will consider Plaintiffs' request for the Enhancement Award and
5 Class Counsel's request for attorneys' fees and costs.

6 21. The Court expressly reserves the right to adjourn or continue the final
7 approval hearing from time to time without further notice to the Class.

8 22. Any Class Member may be heard in support of, or in opposition to, the
9 Court's determination of the good faith, fairness, reasonableness and adequacy of the
10 proposed settlement, the requested attorneys' fees and costs, the requested Class
11 Representative's Enhancement, and any order granting final approval; provided,
12 however, that no person, except Class Counsel and counsel for Defendant shall be
13 heard regarding such matters unless such person has complied with the conditions set
14 forth in the Class Notice.

15 23. In the event the settlement does not become final for any reason, this
16 preliminary approval Order shall be of no further force or effect and the fact that the
17 Parties were willing to stipulate to class certification as part of the settlement shall
18 have no bearing on, and not be admissible in connection with, the issue of whether a
19 class should be certified in a non-settlement context.

20 **IT IS SO ORDERED.**

21
22 Dated: _____

Hon. Katherine Bacal
Judge of the Superior Court of California
County of San Diego