

Electronically Received 09/13/2024 11:11 AM

KINGSLEY SZAMET & LY
ERIC B. KINGSLEY, Esq. (SBN 185123)
eric@kingsleylawyers.com
LIANE KATZENSTEIN LY, Esq., (SBN 259230)
liane@kingsleylawyers.com
JESSICA BULAON, Esq., (SBN 340749)
jessi@kingsleylawyers.com
16133 Ventura Blvd., Suite 1200
Encino, CA 91436
Tel: (818) 990-8300, Fax (818) 990-2903

ABRAMSON LABOR GROUP
WILLIAM ZEV ABRAMSON, Esq. (SBN 289387)
Wza@abramsonlabor.com
11846 Ventura Blvd, Suite 100
Studio City, CA, 91604
Tel: (213) 493-6300, Fax: (213) 382-4083

Attorneys for Plaintiff and the Proposed Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

DIYARI CORRAL-BEY, an individual, on
behalf of herself and others similarly situated,

PLAINTIFF,

v.

FLUOR FLATIRON BALFOUR BEATTY
DRAGADOS DBJV (DBA LINXS); and
DOES 1 thru 50, inclusive,

DEFENDANTS.

CASE NO. 22STCV20310

[Case Assigned for All Purposes to Hon. David
S. Cunningham in Dept. 11]

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

*[Filed concurrently with Motion for
Preliminary Approval of Class Action and
PAGA Settlement; and Declarations of Liane
Katzenstein Ly, Diyari Corral-Bey, and Sean
Hartranft of Apex Class Action LLC,]*

Date: January 15, 2025
Time: 10:00 A.M.
Dept.: 11

Complaint Filed: July 22, 2022
Trial Date: None Set

[PROPOSED] ORDER

The Motion for Preliminary Approval of the Class Action and PAGA Settlement came before this Court on January 15, 2025, the Honorable David S. Cunningham, presiding. The Court, having considered the papers submitted in support of the motion of the parties, **HEREBY ORDERS THE FOLLOWING:**

1. The Court grants preliminary approval of the proposed settlement based upon the terms set forth in the Class Action and PAGA Settlement Agreement (“Agreement” or “Settlement”) filed herewith. The Agreement appears to be fair, adequate, and reasonable to the Class. The Court finds that: (a) the Agreement resulted from extensive arm’s length negotiations; and (b) the Agreement is sufficient to warrant notice of the Agreement to persons in the Class and a full hearing regarding final approval of the Agreement.

2. For purposes of this Order, the proposed Class is defined as follows:

All non-exempt employees who are employed or have been employed by FLUOR FLATIRON BALFOUR BEATTY DRAGADOS DBJV (DBA LINXS), in the State of California since four (4) years prior to the filing of this action to the present plus any additional time during which the statutes of limitation for the causes of action herein were tolled pursuant to Emergency Rule 9 of the California Rules of Court, the ‘Emergency Rules Related to COVID-19’. (“Class Members” or “Class”)

3. The Class Period is June 22, 2018 to June 10, 2024.

4. For purposes of this Order, the proposed Class is defined as follows:

All non-exempt employees who are employed or have been employed by Fluor Flatiron Balfour Beatty Dragados (DBA LINXS), in the State of California during the PAGA Period.” (“Aggrieved Employees”)

5. The PAGA Period is June 22, 2021 to June 10, 2024

6. The Agreement falls within the range of reasonableness and appears to be presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.

7. The Court makes the following preliminary findings for settlement purposes only:

A. The Class, which consists of approximately 1150 persons, is so numerous

that joinder of all members is impracticable;

- B. There appear to be questions of law or fact common to the Class for purposes of determining whether this Settlement should be approved;
- C. Plaintiff's claims appear to be typical of the claims being resolved through the proposed settlement;
- D. Plaintiff appears to be capable of fairly and adequately protecting the interests of the Class Members in connection with the proposed settlement;
- E. Common questions of law and fact appear to predominate over questions affecting only individual persons in the Class. Accordingly, the Class appears to be sufficiently cohesive to warrant settlement by representation; and
- F. Certification of the Class appears to be superior to other available methods for the fair and efficient resolution of the claims of the Class.

8. The Court approves, as to form and content, the Notice of Class Action Settlement to Class Members in substantially the form attached to the Agreement as Exhibit "A".

9. The Court approves the procedure for Class Members to opt out to the Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

10. The Court approves the procedure for Class Members to object to the Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

11. The Court directs the mailing of the Notice of Class Action Settlement and related documents to members of the Class by first class mail in accordance with the Agreement and the implementation schedule set forth below. The Court finds that the dates selected for the mailing and distribution of the notice, as set forth in the following implementation schedule, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

12. It is ordered that the settlement Class is preliminarily certified for settlement purposes only.

13. The Court confirms Eric B. Kingsley and Liane Katzenstein Ly of KINGSLEY SZAMET & LY as Class Counsel.

14. The Court confirms Diyari Corral-Bey as Class Representative.

15. The Court approves Apex Class Action Administration as the Administrator.

16. The Court orders that pursuant to the California Private Attorneys General Act, Labor Code §§ 2698, et seq. (“PAGA”), statutory notice of this Agreement has been and will continue to be given to the Labor & Workforce Development Agency.

17. A final fairness hearing on the question of whether the proposed Agreement, attorneys’ fees and costs to Class Counsel, the PAGA payment, and the claims administration costs should be finally approved as fair, adequate, and reasonable as to the members of the Class is scheduled for August 4, 2025 at 10:00 am (Pacific Time), in Department 11.

18. The Court orders the following Implementation Schedule for further proceedings:

a.	Preliminary Approval Granted	_____
b.	Deadline for Defendant to Provide Class Members’ Information to Administrator	15 calendar days from Entry of Preliminary Approval
c.	Administrator Shall Mail Notice to Class Members	14 calendar days from receipt of the Class List from Defendant
d.	Deadline for Postmark of Any Request for Exclusion	60 Days from Mailing of Notices
e.	Deadline for Postmark of Any Objection	60 Days from Mailing of Notices
f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	To be determined by the Court _____
g.	Deadline for Class Counsel to file Motion for Attorneys’ Fees	To be determined by the Court _____
h.	Final Approval Hearing	August 4, 2025 at 10:00 a.m _____

19. IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the “Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the

1 subject of this Order shall become null, void, unenforceable and inadmissible in any judicial,
2 administrative or arbitral proceeding for any purpose, and all evidence, court orders and
3 proceedings had in connection therewith, shall be without prejudice to the status quo ante rights
4 of the Parties to the litigation, as more specifically set forth in the ("Agreement.

5 20. IT IS FURTHER ORDERED that, pending further Order of this Court, all
6 proceedings in this matter except those contemplated herein and in the Agreement are hereby
7 stayed.

8 21. The Court expressly reserves the right to adjourn or continue the Final Fairness
9 Hearing from time to time without further notice to members of the Class.

10
11 DATED: 01/15/2025


JUDGE OF THE SUPERIOR COURT

(PROOF OF SERVICE)
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On September 13, 2024, I served all interested parties in this action the following documents described as: **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

FISHER & PHILLIPS LLP Lonnie D. Giamela lgiamela@fisherphillips.com Sara Watar swatar@fisherphillips.com 444 South Flower Street, Suite 1500 Los Angeles, CA 90071 <i>Attorneys for Defendant</i>	ABRAMSON LABOR GROUP William Zev Abramson wza@abramsonlabor.com 11846 Ventura Blvd, Suite 100 Studio City, CA, 91604 <i>Attorneys for Plaintiff</i>
---	---

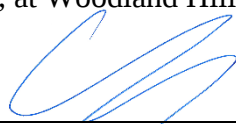
[XX] (BY ELECTRONIC MAIL THROUGH CASE ANYWHERE) On interested parties set forth on the attached service list.

[XX] (BY ELECTRONIC SERVICE): I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/308>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC SERVICE) I caused the document to be sent to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 13, 2024, at Woodland Hills, California.



Michelle Tanzer