

COPY

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

FEB 20 2024

BY Jessica Garcez
JESSICA GARCEZ, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

JOSEPH GUANTES, an individual;
KRISTY MONROY, an individual; and
on behalf of themselves, and on behalf of
all others similarly situated,

Plaintiffs,

v.

TOP BINDERY, INC., a California
corporation; REED PRINTING, INC., a
California corporation; and DOES 1
through 50, inclusive,

Defendants.

CASE NO. CIVSB2308121

~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT

RECEIVED
JAN 29 2024
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

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

2 The Court now has before it, Plaintiffs' unopposed Motion for Preliminary Approval of
3 Class Action Settlement ("Motion"). After reviewing the Motion, the Class Action and PAGA
4 Settlement Agreement and Release ("Settlement Agreement") and exhibits attached thereto, and
5 good cause 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 non-exempt employees who were employed by Defendants in the State
12 of California, at any time from September 6, 2018 through December 31, 2023.

13 The Class Period is from September 6, 2018 through December 31, 2023.

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

17 The PAGA Period is from July 9, 2021 through December 31, 2023.

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

25 5. The Court appoints, for settlement purposes, Plaintiffs Joseph Guantes and Kristy
26 Monroy as Representative for the Class.

27 6. The Court appoints, for settlement purposes, the Law Office of Scott Ernest Wheeler
28 as Counsel for the Class.

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

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

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

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

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

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

Event	Date
Last day for Defendants to provide the Settlement Administrator with the Class Information	March 1, 2024
Last day for Settlement Administrator, Phoenix to mail Class Notice	March 11, 2024
Last day for Class Members to submit a dispute regarding Workweeks, Request for Exclusion, or written Objection	April 25, 2024
Last Day for Plaintiffs to file Motion for Final Approval of the Class Settlement, Attorneys’ Fees and Costs and Class Representative Service Award	Per Code.
Final Approval Hearing	May 20, 2024

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

6 14. At the Final Approval Hearing, the Court will consider whether the Settlement
7 should be finally approved as fair, reasonable and adequate, whether a final judgment should be
8 entered, and whether the payments provided for under the Settlement, including attorneys' fees and
9 costs and class 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 **FEB 20 2024**

14 DATED: _____

JOSEPH T. ORTIZ

HONORABLE JOSEPH T. ORTIZ
JUDGE OF THE SUPERIOR COURT