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

DEC 19 2023

BY Jessica Garcez
JESSICA GARCEZ, DEPUTY

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

DAVID MELGOZA, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

ECOLOGY RECYCLING SERVICES, LLC,
a California Limited Liability Company; and
DOES 1 through 10, inclusive,

Defendants.

CASE NO.: CIVSB2217232

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL**

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COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL

The Court now has before it is Plaintiff's unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion"). After reviewing the Motion, the Class and Representative Action Settlement Agreement and Release ("Settlement Agreement"), attached to the Declaration of Scott Ernest Wheeler in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement Filed on Behalf of Plaintiff, and all exhibits attached thereto, and good cause appearing therefore, the Court hereby finds and orders as follows:

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

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

All nonexempt hourly employees who worked at any time for Defendant in the state of California from August 9, 2018, through December 19, 2023.

The Class Period is August 9, 2018, through December 19, 2023.

3. The court conditionally certifies for settlement purposes the portion of this Settlement regarding the Private Attorneys General Act ("PAGA Allegedly Aggrieved Employees):

All hourly, non-exempt employees employed by Defendant in California at any time during the PAGA Period.

The PAGA Period means the time from June 3, 2021, through December 19, 2023.

4. The Court finds, for settlement purposes, that the Class meets the requirements for certification under California Code of Civil Procedure § 382 in that: (1) the Class is so numerous that joinder is impractical; (2) there are questions of law and fact that are common, or of general interest, to the Class, which predominate over any individual issues; (3) Plaintiff's claims are typical of the claims of the Class; (4) Plaintiff and Plaintiff's counsel will fairly and adequately protect the interests

1 of the Class; and (5) a class action is superior to other available methods for the fair and efficient
2 adjudication of the controversy.

3 5. The Court appoints, for settlement purposes, Plaintiff David Melgoza as Representative
4 for the Class.

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

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

9 8. The Court appoints Phoenix Class Action Administrators as the Settlement
10 Administrator and is ordered to carry out the administration of the settlement according to the terms of
11 the Settlement Agreement.

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

16 10. Phoenix Class Action Administration Solutions, the Settlement Administrator, shall
17 provide notice to any objecting party of any continuance of the hearing of Plaintiff's Motion for Final
18 Approval.

19 11. The Parties are ordered to carry out the Settlement according to the following
20 implementation schedule:

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	January 11, 2024
Last day for Settlement Administrator to mail Class Notice	February 2, 2024

Last day for Class Members to submit a dispute regarding Workweeks, Request for Exclusion, or written Objection	March 18, 2024
Last Day for Plaintiff to file Motion for Final Approval Class and Representative Action, Attorney's Fees and Costs, Service Award and Administration costs.	March 27, 2024
Final Approval Hearing	April 22, 2024

12. At the Final Approval Hearing, the Court will consider, *inter alia*, whether the Settlement should be finally approved as fair, reasonable, and adequate, whether a final judgment should be entered in favor of Plaintiff, and whether the payments provided for under the Settlement, including attorneys' fees, costs, and class representative service award, should be finally approved and granted.

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

IT IS SO ORDERED, **DEC 19 2023**

Dated: **DEC 19 2023**, 2023

JOSEPH T. ORTIZ

HONORABLE JOSEPH T. ORTIZ
JUDGE OF THE SUPERIOR COURT