

COPY

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Employees*

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

FEB 26 2024

BY *Amber M. Gear*
AMBER M. GEAR, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

ERICK FUENTES, individually, and on
behalf of all other aggrieved employees,

Plaintiff,

v.

EMPLOYER'S OUTSOURCING, INC., a
California corporation; DIRT CHEAP, INC.,
doing business as, DCG FULFILLMENT, a
California corporation; and DOES 1 through
50, inclusive,

Defendants.

CASE NUMBER: CIVSB2221480

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL**

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

2 The Court now has before it, Plaintiff's unopposed Motion for Preliminary Approval of
3 Class Action Settlement ("Motion"). After reviewing the Motion, the Joint Stipulation of
4 Settlement and Release to Settle Class Action ("Settlement Agreement") and exhibits attached
5 thereto, and 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 current and former direct and temporary hourly-paid employees who
12 worked or were otherwise placed on assignment at a Dirt Cheap, Inc. facility
13 within the State of California at any time during the period from February
 25, 2020, through the date the Court grants preliminary approval.

14 The Class Period is from February 25, 2020, through preliminary approval.

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

18 The PAGA Period is from July 15, 2021 through preliminary approval.

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
21 that joinder is impractical; (2) there are questions of law and fact that are common, or of general
22 interest, to the Class, which predominate over any individual issues; (3) Plaintiff's claims are
23 typical of the claims of the Class; (4) Plaintiff and Plaintiff's counsel will fairly and adequately
24 protect the interests of the Class; and (5) a class action is superior to other available methods for
25 the fair and efficient adjudication of the controversy.

26 5. The Court appoints, for settlement purposes, Plaintiff Esteban Flores as
27 Representative for the Class.
28

1 6. The Court appoints, for settlement purposes, the Law Office of Scott E. Wheeler as
2 Counsel for the Class.

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

5 8. The Court appoints ILYM Group, Inc. ("ILYM") as the Settlement Administrator
6 and is ordered to carry out the administration of the settlement according to the terms of the
7 Settlement Agreement.

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

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

17 11. ILYM Group, Inc., the Settlement Administrator, shall provide notice to any
18 objecting party of any continuance of the hearing of Plaintiff's Motion for Final Approval.

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

Event	Date
Last day for Defendants to provide the Settlement Administrator with the Class Information	March 18, 2024
Last day for Settlement Administrator, ILYM Group, Inc. to mail Class Notice	March 27, 2024
Last day for Class Members to submit a dispute regarding Workweeks, Request for Exclusion, or written Objection	May 13, 2024

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	June 3, 2024

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

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

15. 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.

DATED: **FEB 26 2024**

JOSEPH T. ORTIZ

HONORABLE JOSEPH T. ORTIZ
JUDGE OF THE SUPERIOR COURT