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RECEIVED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

JUN 07 2024

Jordyn Drake

FILED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUL - 2 2024

BY Jessica Garcez
JESSICA GARCEZ, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

SAN BERNARDINO JUSTICE CENTER

JOSEPH B. CERVANTES, individually,
and on behalf of all others similarly
situated,

PLAINTIFFS,

v.

I-10 TOWING AND RECOVERY, INC., a
corporation; and DOES 1 through 50,
inclusive,

DEFENDANTS.

CASE NO.: CIVSB2226679 ⁶⁷⁹¹Ⓢ

[Hon. Joseph Ortiz, Dept. S-17]

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

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

2 The Court now has before it, Plaintiffs' unopposed Motion for Preliminary Approval of Class
3 Action Settlement ("Motion"). After reviewing the Motion, the Class Action and PAGA Settlement
4 Agreement and Release ("Settlement Agreement") and exhibits attached thereto, and good cause
5 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
12 State of California, at any time from November 17, 2018, through February 1, 2024.

13 Class Period means the time period from November 17, 2018 through February 1, 2024.

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

17 The PAGA Period is from September 1, 2021, through February 1, 2024.

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

25 5. The Court appoints, for settlement purposes, Plaintiffs Joseph B. Cervantes and Ruben
26 N. Lopez as Representative for the Class.

27 6. The Court appoints, for settlement purposes, the Law Office of Scott E. Wheeler and
28 The Wand Law Firm, APC, as Counsel for the Class.

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

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

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

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

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

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

Event	Date
Last day for Defendants to provide the Settlement Administrator with the Class Information	June 28, 2024
Last day for Settlement Administrator, Phoenix to mail Class Notice	July 9, 2024
Last day for Class Members to submit a dispute regarding Workweeks, Request for Exclusion, or written Objection	August 23, 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	September 23, 2024 October 8, 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: 'JUL - 2 2024

JOSEPH T. ORTIZ

HONORABLE JOSEPH T. ORTIZ
JUDGE OF THE SUPERIOR COURT

**PROOF OF SERVICE
(CCP §§1013(a) and 2015.5)**

I, the undersigned, am at least 18 years old and not a party to this action. I am employed in the County of Los Angeles. My business address is 250 West First Street, Suite 216, Claremont, California 91711.

On June 5, 2024, I served the following document(s), described as

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

on all interested parties/person(s) in this action listed below by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Tumer & Sharif
Omar Sharif, Esq.
17875 Von Karman Avenue, Suite 150
Irvine, California 92614
Telephone: (949) 287-6901
Email: law@tumersharif.com

*Attorneys for Defendant,
I-10 Towing and Recovery, Inc and
Gold Bear Towing, Inc.*

Labor Workforce Development Agency
Department of Industrial Relations
Private Attorneys General Act (PAGA) Filing
Proposed Settlement of PAGA Case
<https://dir.tfaforms.net/271>

☒ **[by MAIL]** - I enclosed the document(s) in a sealed envelope or package addressed to the person(s) whose address(es) are listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in Claremont, California, in a sealed envelope with postage fully prepaid.

☐ **[by FAX]** - Based on an agreement of the parties to accept service by fax transmission, I faxed the document(s) to the person(s) at fax number(s) listed above from fax number (909) 621-4622. The fax reported no errors. A copy of the transmission report is attached.

☐ **[by OVERNIGHT DELIVERY]** - I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the person(s) at the address(es) listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight carrier.

☐ **[by ELECTRONIC SERVICE]** - Based on a court order or an agreement of the parties to accept service by electronic transmission, I electronically served the document(s) to the person(s) at the electronic service address(es) listed above.

☐ **[by PERSONAL SERVICE]** - I caused to be delivered by messenger such envelope(s) by hand to the office of the addressee(s). Such messenger is over the age of eighteen years and not a party to the within action and employed with A&G

1 Attorney Services whose business address is 13089 Peyton Drive, Suite C-154,
2 Chino Hills, California 91709.

3 ☒ [by STATE] - I declare under penalty of perjury, under the laws of the State of
4 California, that the foregoing is true and correct.

5 Executed June 5, 2024, at Claremont, California.

6 Yovana Caudillo

7 Print Name

8 By:

9 *Yovana Caudillo*

10 Signature