

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF ORANGE
 CENTRAL JUSTICE CENTER

NOV 15 2024

DAVID H. YAMASAKI, Clerk of the Court

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 VALERIA BOLANOS and FANNY THORNG

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF ORANGE**

VALERIA BOLANOS and FANNY
 THORNG, as individuals and on behalf of
 themselves and on behalf of all others
 similarly situated,

Plaintiff,

vs.

NEWPORT FAB, LLC, a Delaware Limited
 Liability Corporation; TOWER
 SEMICONDUCTOR NEWPORT BEACH,
 INC., a Delaware Corporation; JAZZ
 SEMICONDUCTOR TRUSTED
 FOUNDRY, INC., a Delaware Corporation;
 TOWER SEMICONDUCTOR USA, INC., a
 California Corporation; JAZZ
 SEMICONDUCTOR, INC., an unknown
 entity; and DOES 1 to 100, inclusive,

Defendants.

Case No.: 30-2022-01280696-CU-OE-CXC

Assigned for all purposes to:
 Hon. Lon Hurwitz
 Dept. CX103

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

Date: November 8, 2024
 Time: 1:30 p.m.
 Dept. CX-103

1 The Court, having read the papers filed regarding Plaintiffs' unopposed Motion for
2 Preliminary Approval of Class Action and PAGA Settlement, and having heard argument on the
3 Motion, hereby finds and ORDERS as follows:

4 1. The Amended Class Action and PAGA Settlement Agreement attached as
5 Exhibit 1 to the Supplemental Declaration of John G. Yslas in support of Plaintiffs' unopposed
6 Motion for Preliminary Approval of Class Action Settlement (the "Settlement Agreement")
7 (ROA 188), is within the range of possible recovery and, subject to further consideration at the
8 Final Approval Hearing described below, is preliminarily approved as fair, reasonable, and
9 adequate. The Court, for purposes of this Order, adopts all defined terms as set forth in the
10 Settlement Agreement.

11 2 For purposes of settlement only, the Court provisionally and conditionally
12 certifies the following class: "all persons who worked for Defendant Newport Fab, LLC
13 ("Newport Fab") as an hourly-paid or non-exempt employee at any time during the Class Period
14 of March 21, 2018 to April 13, 2024."

15 3. The Court finds the Settlement Class, consisting of at least 1,195 members, is so
16 numerous that joinder of all members is impractical, and that the Settlement Class is
17 ascertainable by reference to the business records of Newport Fab.

18 4. The Court finds further there are questions of law and fact common to the entire
19 Settlement Class, which common questions predominate over any individualized questions of
20 law or fact, and these common questions include (1) whether Newport Fab paid Settlement
21 Class Members for all hours worked, including overtime hours, at the correct hourly wage; (2)
22 whether Newport Fab provided Settlement Class Members with all required meal periods on a
23 compliant basis; (3) whether Newport Fab provided Settlement Class Members with all required
24 rest periods on a compliant basis; (4) whether Newport Fab reimbursed Settlement Class
25 Members for reasonable and necessary business expenses; (5) whether Newport Fab provided
26 Settlement Class Members with compliant wage statements; and (5) whether Newport Fab paid
27 all wages due on separation of employment.
28

1 5. The Court finds further the claims of named Plaintiffs Valeria Bolanos and
2 Fanny Thorng are typical of the claims of the Settlement Class, and that they will fairly and
3 adequately protect the interests of the Settlement Class. Accordingly, the Court appoints
4 Valeria Bolanos and Fanny Thorng as the Class Representatives, and appoints their counsel
5 of record, Zachary M. Crosner, Jamie K. Serb, and Sepideh Ardestani, of Crosner Legal, PC,
6 and John G. Yslas, Jeffrey C. Bils, and Samantha Smith of Wilshire Law Firm, PLC, as Class
7 Counsel.

8 6. The Court finds further that certification of the Settlement Class is superior to
9 other available means for the fair and efficient adjudication of the controversy.

10 7. The Court finds further that, in the present case, the proposed method of
11 providing notice of the Settlement to the Settlement Class via First Class U.S. Mail to each
12 Settlement Class Member's last known address, is reasonably calculated to notify the Settlement
13 Class Members of the proposed Settlement and provides the best notice possible under the
14 circumstances. The Court also finds the Notice of Class Action Settlement form is sufficient to
15 inform the Settlement Class Members of the terms of the Settlement and their rights thereunder,
16 including the right to object to the Settlement or any part thereof and the procedure for doing so,
17 their right to exclude themselves from the Settlement and the procedure for doing so, their right
18 to obtain a portion of the Settlement proceeds, and the date, time and location of the Final
19 Approval Hearing. The proposed Notice of Class Action Settlement and the procedure for
20 providing Notice set forth in the Settlement Agreement, all are approved by the Court.

21 8. Under the terms of the Settlement Agreement, the Court approves the Parties'
22 selection of Phoenix Settlement Administrators as the Settlement Administrator. The
23 Settlement Administrator is ordered to mail the Class Notice to the Settlement Class Members
24 via First-Class U.S. Mail as specified in the Settlement Agreement, and to otherwise carry out
25 all other duties set forth in the Settlement Agreement. The Parties are ordered to carry out and
26 comply with all terms of this Order and the Settlement Agreement, and particularly with respect
27 to providing the Settlement Administrator all information necessary to perform its duties under
28 the Settlement Agreement.

1 9. The Court preliminarily approves the following payments from the Gross
2 Settlement Amount of \$3,900,000:

3 a. Attorney's Fees to Class Counsel in an amount not to exceed one-third of the
4 Gross Settlement Amount, or \$1,300,000.00;

5 b. Class Counsel's litigation costs and expenses in an amount not to exceed
6 \$30,000.00;

7 c. Class Representative Enhancement Payments to Plaintiffs in an amount not to
8 exceed \$10,000.00 each;

9 d. The Settlement Administrator's fees and expenses in an amount not to exceed
10 \$15,000.00; and

11 e. Civil penalties under the Private Attorney's General Act in an amount not to
12 exceed \$100,000.00, which amount is preliminarily approved by the Court as fair, reasonable,
13 and adequate, and consistent with PAGA's purposes. The PAGA civil penalties will be divided
14 75% to the California Labor & Workforce Development Agency and 25% to the Aggrieved
15 Employees on a pro rata basis.

16 10. Any member of the Settlement Class who wishes to comment on or object to the
17 Settlement or any term thereof, including any proposed award of attorney's fees and costs to
18 Class Counsel or any proposed representative enhancement to the Class Representatives, shall
19 have sixty (60) days from the mailing of the Class Notice to submit his or her comments and/or
20 objection to the Settlement Administrator, as set forth in the Settlement Agreement and Class
21 Notice. Alternatively, Class Members may submit an oral objection at the Final Approval
22 Hearing.

23 11. Any member of the Settlement Class who wishes to exclude themselves from the
24 Settlement shall have sixty (60) days from the mailing of the Class Notice to submit his or her
25 Request for Exclusion to the Settlement Administrator, as set forth in the Settlement Agreement
26 and Class Notice. The Court will have final say regarding the validity of the Requests for
27 Exclusion.
28

1 12. The Settlement Administrator is ordered to file a declaration in advance of the
2 Final Approval Hearing attaching and authenticating all Requests for Exclusion, if any, and
3 further attaching and authenticating all Objections, if any. The Court will have final say
4 regarding the validity of the Request for Exclusion.

5 13. A Final Approval Hearing is hereby set for April 18, 2025, at 1:30 p.m. in
6 Department CX-103 of the Orange County Superior Court, located at 751 West Santa Ana
7 Blvd., Santa Ana, California 92701, to consider any objections to the Settlement, determine if
8 the proposed Settlement should be found fair, adequate and reasonable and given full and final
9 approval by the Court, and to determine the amount of attorney's fees and costs awarded to
10 Class Counsel, the amount of any representative enhancement award to the Class
11 Representative, and to approve the fees and costs payable to the Settlement Administrator. All
12 legal memoranda, affidavits, declarations, or other evidence in support of the request for final
13 approval, the award of attorney's fees and costs to Class Counsel, the enhancement awards to
14 the Class Representatives, and the fees and costs of the Settlement Administrator, shall be filed
15 no later than sixteen (16) court days prior to the Final Approval Hearing. The Court reserves
16 the right to continue the Final Approval Hearing without further notice to the Settlement Class
17 Members.

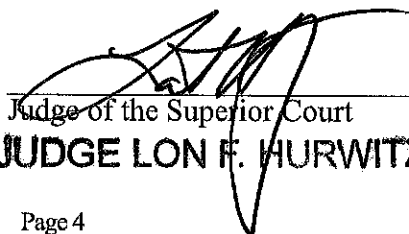
18 14. Provided he or she has not submitted a timely and valid Request for Exclusion,
19 any Settlement Class Member may appear, personally or through his or her own counsel, and be
20 heard at the Final Approval Hearing regardless of whether he or she has submitted a written
21 objection.

22 15. Under Code of Civil Procedure section 664.6 and California Rule of Court 3.769,
23 the Court shall retain jurisdiction over the parties to interpret, implement and enforce the
24 Settlement.

25 **IT IS SO ORDERED.**

26 Dated: **NOV 15 2024**
27 _____

28 4867-9986-4818.1



Judge of the Superior Court
JUDGE LON F. HURWITZ