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JEFFERSON LOPEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

JEFFERSON LOPEZ, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

MISSION POOLS, INC., a California
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No. 21STCV43284

*[Assigned for all purposes to the Hon. William
D. Claster, Dept. CX101]*

**[AMENDED PROPOSED] ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: February 9, 2024

Time: 9:00 a.m.

Dept.: CX101

Action Filed: December 5, 2022

Trial Date: None Set

1 The Motion of Plaintiff Jefferson Lopez (“Plaintiff”) for Preliminary Approval of Class Action
2 Settlement will come on regularly for hearing before this Court on February 9, 2023 at 9:00 a.m., The
3 Court, having considered the proposed Stipulation of Class and PAGA Action Settlement (the
4 “Settlement”), attached as Exhibit 2 to the Declaration of Elizabeth Nguyen filed concurrently with the
5 Motion and Addendum to the Class and PAGA Action Settlement attached to the Supplemental
6 Declaration of Milan Moore filed concurrently herewith; having considered Plaintiff’s Motion for
7 Preliminary Approval of Class Action Settlement, Memorandum of Points and Authorities in support
8 thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS
9 THE FOLLOWING:

10 1. The Court GRANTS preliminary approval of the class action settlement as set forth in
11 the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately
12 could be granted approval by the Court at a Final Fairness Hearing. For purposes of the Settlement,
13 the Court finds that the proposed Settlement Class is ascertainable and that there are a sufficiently well-
14 defined community of interest among the members of the Settlement Class in questions of law and fact.
15 Therefore, for settlement purposes only, the Court grants conditional certification of the following
16 Settlement Class:

17 All current and former non-exempt, hourly employees of Defendant Mission
18 Pools of Escondido, Inc. who worked at any time in California between
19 September 28, 2018 and the date the Court enters an order granting preliminary
approval.

20 2. For purposes of the Settlement, the Court designates named Plaintiff Jefferson Lopez as
21 Class Representative, and Scott M. Lidman and Milan Moore of Lidman Law, APC and Paul Haines of
22 Haines Law Group, APC as Class Counsel.

23 3. The Court designates Phoenix Class Action Administration Solutions as the third-party
24 Settlement Administrator for mailing notices.

25 4. The Court approves, as to form and content, the Notice Packet which consists of the
26 Notice of Pendency of Class Action and Proposed Class and PAGA Settlement, Notice of Settlement
27 Award, and Request for Exclusion form and is attached to the Addendum as Exhibit A.

28 5. The Court finds that the form of notice to the Settlement Class regarding the pendency of

1 the action and of the Settlement, and the methods of giving notice to members of the Settlement Class,
2 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient
3 notice to all members of the Settlement Class. The form and method of giving notice complies fully
4 with the requirements of California Code of Civil Procedure section 382, California Civil Code section
5 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and
6 other applicable law.

7 6. The Court further approves the procedures for Settlement Class Members to opt out of or
8 object to the Settlement, as set forth in the Notice Packet.

9 7. The procedures and requirements for filing objections in connection with the Final
10 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
11 presentation of any Settlement Class Member's objection to the Settlement, in accordance with the due
12 process rights of all Settlement Class Members.

13 8. The Court directs the Settlement Administrator to mail the Notice Packet to the members
14 of the Settlement Class in accordance with the terms of the Settlement.

15 9. The Class Notice shall provide at least 60 calendar days' notice for members of the
16 Settlement Class to opt out of, or object to, the Settlement.

17 10. The Final Fairness Hearing on the question of whether the Settlement should be finally
18 approved as fair, reasonable, and adequate is scheduled in Department CX101 of this Court, located at
19 751 West Santa Ana Boulevard, Santa Ana, California, 92701 on _____, 2024 at _____
20 a.m. / p.m.

21 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should
22 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment
23 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for
24 reasonable attorneys' fees, reimbursement of litigation expenses, service award to Plaintiff, and payment
25 to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code
26 Private Attorneys General Act ("PAGA") should be granted.

27 12. Counsel for the parties shall file memoranda, declarations, or other statements and
28 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation

expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

13. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to Settlement Administrator	10 business days after entry of an order preliminarily approving the Settlement
Settlement Administrator to mail Notice Packets to Class Members in English and Spanish	10 business days after receiving Class Information from Defendant
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	60 calendar days after mailing of the Notice by the Settlement Administrator
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	
Final Fairness Hearing:	_____, 2024 at _____ a.m./p.m.

14. Pending the Final Fairness Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

15. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

Dated: _____, 2024

Honorable William D. Claster
Judge of the Superior Court