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WILLIAM COLEMAN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LAKE**

WILLIAM COLEMAN, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

PROENERGY CRAFTS, INC., a Missouri
corporation; **EVAPTECH, INC.**, a Maryland
corporation; and **DOES 1 through 100**,
inclusive,

Defendants.

Case No.: CV423136

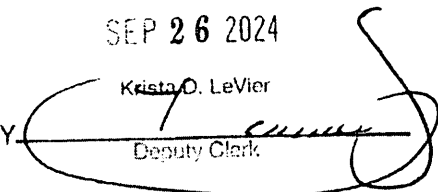
[Assigned for all purposes to the Hon. Michael
S. Lunas, Dept. 1]

**~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: September 23, 2024
Time: 9:00 a.m.
Dept.: 1

FILED
SUPERIOR COURT
COUNTY OF LAKE

SEP 26 2024

BY 
Krista D. LeVier
Deputy Clerk

BY FAX

1 The Motion of Plaintiff Cristina Cordero ("Plaintiff") for Preliminary Approval of Class
2 Action Settlement ("Motion") came on regularly for hearing before this Court on September 23,
3 2024 at 9:00 a.m. in Department 1. The Court, having considered the proposed Stipulation of
4 Class Action and PAGA Settlement (the "Settlement"), attached as **Exhibit 2** to the Declaration
5 of Scott M. Lidman filed concurrently with the Motion; having considered Plaintiff's Motion,
6 Memorandum of Points and Authorities in support thereof, and supporting declarations filed
7 therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

15 All persons who worked for EvapTech through ProEnergy and/or American
16 Professional Staffing Solutions, LLC as non-exempt, hourly paid
17 employees in California at any time during the Class Period.

18 2. For purposes of this Settlement Agreement, the "Class Period" shall the period
19 from September 16, 2018, through the date in which the Court signs an order granting
20 Preliminary Approval of the Settlement.

21 3. For purposes of the Settlement, the Court designates named Plaintiff William
22 Coleman as Class Representative, and Scott M. Lidman and Milan Moore of Lidman Law, APC
23 and Paul K. Haines of Haines Law Group, APC as Class Counsel.

24 3. The Court designates Phoenix Settlement Administrators ("Phoenix") as the third-
25 party Settlement Administrator for mailing notices.

26 4. The Court approves, as to form and content, Court-approved Notice of Class
27 Action Settlement and Hearing Date for Final Court Approval attached to the Settlement as
28

1 **Exhibit A.**

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

9 6. The Court further approves the procedures for Settlement Class members to opt
10 out of or object to the Settlement, as set forth in the Notice of Pendency of Class Action and
11 Proposed Settlement.

12 7. The procedures and requirements for filing objections in connection with the Final
13 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
14 presentation of any Settlement Class member's objection to the Settlement, in accordance with
15 the due process rights of all Settlement Class members.

16 8. The Court directs the Settlement Administrator to mail the Notice of Pendency of
17 Class Action and Proposed Settlement and Notice of Individual Settlement Award to all of the
18 Class members in accordance with the terms of the Settlement.

19 9. The Class Notice shall provide at least 45 calendar days' notice for Settlement
20 Class members to dispute, opt out of, or object to, the Settlement.

21 10. The Final Fairness Hearing on the question of whether the Settlement should be
22 finally approved as fair, reasonable, and adequate is scheduled in Department 1 of this Court,
23 located at 255 N. Forbes Street, 4th Floor, Lakeport, California 95453 on 2-24,

24 ²⁰²⁵ ~~2024~~ at 9:00 a.m./~~p.m.~~

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

4 12. Counsel for the parties shall file memoranda, declarations, or other statements and
5 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
6 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA
7 for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code
8 of Civil Procedure and the California Rules of Court.

9 13. An implementation schedule is below:

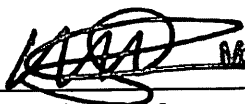
Event	Date
Defendants to provide Class Data to Settlement Administrator	21 calendar days after the Court enters an order granting preliminary approval.
Settlement Administrator to mail Class Notices to Class Members	21 calendar days after receiving Class Data from Defendant
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	45 calendar days after mailing of the Notice by the Settlement Administrator
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement (and to respond to any objections):	16 Court days before the Final Fairness Hearing
Final Fairness Hearing:	<u>2-24</u> , 2024 <u>2025</u>

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

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

24 **IT IS SO ORDERED.**

25 Dated: 9-26, 2024


Honorable Michael S. Lunas
Judge of the Superior Court