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Attorneys for Plaintiff Ricardo Loera  
and Proposed Class Counsel

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SAN JOAQUIN**

RICARDO LOERA, on behalf of himself  
and all “aggrieved employees” pursuant to  
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

VC1 CONCRETE CONSTRUCTION,  
LLC, a California limited liability  
company, and DOES 1 through 10,  
inclusive,

Defendants.

CASE NO: STK-CV-UOE-2022-10482

*Assigned to the Hon. Blanca Banuelos, Dept. 10B*

CLASS ACTION

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

**Date: October 8, 2024  
October 9, 2024  
October 10, 2024**

**Time: 9:00 a.m.  
Dept.: 10B**

*Complaint Filed: November 15, 2022*

1 The unopposed motion of proposed Plaintiff Ricardo Loera (“Plaintiff”) for Preliminary  
2 Approval of Class and Representative Action Settlement came on for hearing before this Court in  
3 Department 10B, Judge Blanca Banuelos presiding, on \_\_\_\_\_ at 9:00 a.m. The  
4 Court, having considered the papers submitted in support of the motion and having heard oral  
5 argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set  
7 forth in the proposed Class Action and Private Attorneys General Act (“PAGA”) Settlement  
8 Agreement (the “Settlement”) filed with the Court. The settlement appears to be fair, adequate,  
9 and reasonable to the Class;

10 2. The Court finds that the settlement falls within the range of reasonableness and  
11 appears to be presumptively valid, subject only to any objections that may be raised at the final  
12 hearing;

13 3. The Court approves, as to form and content, the Notice, attached to the Settlement  
14 as Exhibit A, the Request for Exclusion Form, attached to the Settlement as Exhibit B, the Pay  
15 Period Dispute Form, attached to the Settlement as Exhibit C, and the Objection Form, attached to  
16 the Settlement as Exhibit D;

17 4. The Court directs the mailing of the Notice, the Exclusion Form, the Pay Period  
18 Dispute Form, and the Objection Form, by first class mail to the Settlement Class Members in  
19 accordance with the schedule set forth below. The Court finds that the dates selected for the mailing  
20 and distribution of the Notice Packet, as set forth herein, meet the requirements of due process and  
21 provide the best notice practicable under the circumstances and shall constitute due and sufficient  
22 notice to all persons entitled thereto;

23 5. It is ordered that the Settlement Class is preliminarily certified for settlement  
24 purposes only. The Settlement Class is defined as follows: all persons directly employed by  
25 Defendant in California and classified as a non-exempt employee who worked during the Class  
26 Period. “Aggrieved Employee” means a person directly employed by Defendant in California and  
27 classified as a non-exempt employee who worked during the PAGA Period.

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6. The Court approves and appoints Gaines & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees of up to one-third of the Gross Settlement Amount (or \$108,333.33) and documented litigation costs of up to \$15,000 to Class Counsel, subject to final approval by the Court following a further motion by Class Counsel;

7. The Court approves and appoints Plaintiff Ricardo Loera as the Class Representative and grants preliminary approval to proposed Class Representative Service Payment to Plaintiff Ricardo Loera in an amount not to exceed \$20,000, subject to final approval by the Court following a further motion by the Class Representative;

8. The Court grants preliminary approval of the allocation of \$20,000 to settle the representative claims under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$15,000) shall be paid directly to the LWDA and 25% (\$5,000) shall be allocated to the Individual PAGA Payments;

9. The Court hereby approves and appoints Phoenix Settlement Administrators as the Settlement Administrator and grants preliminary approval of the payment of fees and other charges of the Settlement Administrator in an amount not to exceed \$7,000; and

10. The Court orders the following schedule of dates for the specified actions/further proceedings:

| <b><u>EVENT</u></b>                                                                                                                                                                                                                                            | <b><u>TIMING</u></b>                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including each Class Member's name, last-known mailing address, Social Security number, and number of Class Pay Periods and PAGA Pay Periods (the "Class Data") | 15 calendar days after service of Court's Order granting preliminary approval of Settlement |
| Last day for Settlement Administrator to mail the Notice, the Exclusion Form, the Pay Period Dispute Form and the Objection Form, to Class Members                                                                                                             | 15 calendar days after Settlement Administrator's receipt of the Class Data                 |
| Last day for Class Members to submit a written Exclusion Form to the Settlement Administrator                                                                                                                                                                  | 45 calendar days after the initial mailing of the Notice to Class Members                   |
| Last day for Class Members to submit an objection to the Settlement Administrator                                                                                                                                                                              | 45 calendar days after the initial mailing of the Notice to Class Members                   |

| <u><b>EVENT</b></u>                                                                                                                                                                  | <u><b>TIMING</b></u>                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs                                         | 10 calendar days before the final settlement approval hearing date |
| Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice | 10 calendar days before the final settlement approval hearing date |
| Final settlement approval hearing                                                                                                                                                    | at _____, .m. (approximately 110 days after entry of this Order)   |

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT