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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

MARIO ALVARADO, an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

RED POINTE ROOFING, L.P., a California
Limited Partnership; and DOES 1 through
100,

Defendants.

CASE NO. 30-2022-01286100-CU-OE-CXC

*[Case assigned for all purposes to the Hon.
Melissa R. McCormick, Dept. CX104]*

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Reservation: 74224946
Date: May 30, 2024
Time: 2:00 p.m.
Dept.: CX104

Action Filed: October 12, 2022
Trial Date: None Set

1 The Motion of Plaintiff Mario Alvarado (“Plaintiff”) for Preliminary Approval of Class
2 Action Settlement came regularly for hearing before this Court on May 30, 2024, at 2:00 p.m.
3 The Court, having considered the proposed Stipulation of Settlement (the “Settlement”), attached
4 as Exhibit 1 to the Declaration of Fletcher W. Schmidt filed concurrently herewith; having
5 considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement,
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 its 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 current and former non-exempt employees of Defendant Red
16 Pointe Roofing, L.P. in California who worked at any time between
17 October 12, 2018, and the date of preliminary approval (the “Class
Period”).

18 2. For purposes of the Settlement, the Court designates named Plaintiff Mario
19 Alvarado as Class Representative and designates Fletcher W. Schmidt, Paul K. Haines, and
20 Andrew J. Rowbotham of Haines Law Group, APC as Class Counsel.

21 4. The Court designates CPT Group, Inc. as the third-party Settlement Administrator
22 for mailing notices.

23 5. The Court approves, as to form and content, the Notice of Class Action Settlement
24 and Notice of Settlement Award (collectively, the “Notice Packet”), attached as a combined
25 Exhibit 2 to the Declaration of Fletcher W. Schmidt and submitted concurrently with Plaintiff’s
26 Motion.

27 6. The Court finds that the form of notice to the Settlement Class regarding the
28 pendency of the action and of the Settlement, and the methods of giving notice to members of the

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

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

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

12 9. The Court directs the Settlement Administrator to mail the Notice Packet to the
13 members of the Settlement Class in accordance with the terms of the Settlement. The Court directs
14 the Settlement Administrator to carry out all duties as required by the Settlement.

15 10. The Notice Packet shall provide at least 60 calendar days' notice for members of
16 the Settlement Class to opt out of, or object to the Settlement. Any Request for Exclusion or
17 Objection shall be submitted directly to the Settlement Administrator and not filed with the Court.
18 Upon receipt of any Requests for Exclusion or Objections, the Settlement Administrator shall
19 forward copies of all Requests for Exclusion and Objections to counsel for all parties. The
20 Settlement Administrator shall file a declaration concurrently with the filing of the Motion for
21 Final Approval of Class Action Settlement which authenticates a copy of every Request for
22 Exclusion and Objection received by the Settlement Administrator. The Settlement Administrator
23 shall give notice to any objecting Settlement Class member of any continuance of the hearing on
24 Plaintiff's Motion for Final Approval of Class Action Settlement.

25 11. The Final Fairness Hearing on the question of whether the Settlement should be
26 finally approved as fair, reasonable, and adequate is scheduled in Department CX104 of this
27 Court, located at 751 W Santa Ana Blvd, Santa Ana, California 92701 on
28 _____, at _____ a.m./p.m.

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

13. Counsel for the parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of the Settlement, attorneys' fees, litigation expenses, Plaintiff's enhancement payment, 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.

14. An implementation schedule is below (assuming the Court signs this Order on May 30, 2024):

Event	Date
Defendant to provide Settlement Class member information to the Settlement Administrator no later than [10 business days after preliminary approval]:	June 13, 2024
Settlement Administrator to mail Notice Packet to Settlement Class members no later than [10 business days from receipt of Settlement Class members' information]:	June 27, 2024
Deadline for Settlement Class members to request exclusion from, submit dispute, or object to the Settlement [60 calendar days from mailing of Notice Packet]:	August 26, 2024
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	At least 16 court days before Final Fairness Hearing
Final Fairness Hearing:	_____, 2024 at _____ a.m. / p.m.

15. 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.

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

4 **IT IS SO ORDERED.**

5
6 Dated: _____, 2024

Honorable Melissa R. McCormick
Judge of the Superior Court