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[Additional Counsel Listed after Caption]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

ARMANDO MUNIZ, HARRY ROBERT
CHILTON, MICHAEL ANTHONY
FITCH, CESAR EDUARDO LICEA
CASTRO, individually and on behalf of
other persons similarly situated and
similarly aggrieved employees,

Plaintiffs,

v.

LOT LLC, dba LOT MANAGEMENT
LLC (fka RED COW, INC.), an active
California Limited Liability Company;
HARVEY USA LLC dba HARVEY
GENERAL CONTRACTORS (fka
HARVEY, INC.), an active California
Limited Liability Company; VIVO LLC
dba VIVO dba VIVO LANDSCAPE dba
VIVO LANDSCAPE SERVICES (fka
VIVO GROUP, INC.), and active
California Limited Liability Company;
RCMS LLC dba RED COW
MANAGEMENT SERVICES, an active
California Limited Liability Company;
and DOES 1 through 10,

Defendants.

Case No.: 22STCV32901

CLASS AND REPRESENTATIVE
ACTION

*[Assigned to Hon. Laura A. Seigle
in Dept. SS-17]*

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL**

[FILED CONCURRENTLY WITH
NOTICE OF MOTION AND MOTION;
AND THE COMPENDIUM OF
DECLARATIONS BY: (1) HAIK
HACOPIAN, (2) ZORIK
MOORADIAN, (3) HARVEY C.
BERGER, (4) SAMUEL DAGAN, (5)
JAMES CLARK, (6) JOHN G. YSLAS,
(7) ARMANDO MUNIZ, (8) ROBERT
HARRY CHILTON, (9) MICHAEL
ANTHONY FITCH, (10) CESAR
EDUARDO LICEA CASTRO]

Date: February 19, 2025

Time: 9:00 a.m.

Dept.: SS-17

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18 other persons similarly situated and similarly aggrieved employees

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5 Attorneys for: Plaintiff CESAR EDUARDO LICEA CASTRO, individually and on
6 behalf of other persons similarly situated and similarly aggrieved
7 employees
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1 On February 19, 2025, the Court considered the motion of Plaintiff Armando Muniz,
2 Plaintiff Harry Robert Chilton, Plaintiff Michael Anthony Fitch, and Plaintiff Cesar Eduardo
3 Licea Castro ("Plaintiffs") for preliminary approval of the Parties' proposed class action
4 Settlement.

5 The Court having read and considered the papers on the motion submitted by Class
6 Counsel, having heard the presentation of Class Counsel and Defendants' counsel, having
7 reviewed all of the submissions presented with respect to the proposed Settlement, having
8 carefully considered the requirements for class certification, and having preliminarily
9 determined that the Settlement is fair, adequate, and reasonable, it is hereby ORDERED
ADJUDGED, and DECREED that:

10 1. Preliminary Approval of the Class Action Settlement is GRANTED pursuant
11 to Cal. Rules of Court, rule 3.769;

12 2. The Settlement, as set forth in the Class and Representative Action Settlement
13 Agreement and Release ("Settlement Agreement"), is in all respects fair, reasonable,
14 adequate, and in the best interests of the Settlement Class, and it is preliminarily approved.
15 Except as expressly set forth herein, the Parties shall effectuate the Settlement Agreement
16 according to its terms. The Settlement Agreement, and every term and provision thereof, shall
17 be deemed incorporated herein as if explicitly set forth and shall have full force of an Order
18 of this Court;

19 3. The Court finds that the notice plan set forth in the Settlement Agreement
20 constitutes the best notice practicable under the circumstances and shall constitute due and
21 sufficient notice to the Settlement Class of the pendency of the Action, the terms of the
22 Settlement Agreement, the Final Approval Hearing, and satisfies the requirements of
California law and federal due process law;

23 4. The proposed Settlement Class is provisionally certified under Civ. Code §
24 382, with the Class consisting of:

25 All current and former non-exempt employees employed by
26 Defendants in California or continuing to be employed by
Defendants in California between October 6, 2018 to July 1,

2024 (“Class Period”).

5. Plaintiff Armando Muniz, Plaintiff Harry Robert Chilton, Plaintiff Michael Anthony Fitch, and Plaintiff Cesar Eduardo Licea Castro are appointed as the Class Representatives;

6. Mooradian Law, APC, Berger & Williams, LLP, The Law Offices of Samuel Dagan, Lavi & Ebrahimiran, LLP, and Wilshire Law Firm are appointed as Class Counsel for the class;

7. Phoenix Settlement Administrators is appointed as the third-party administrator (“Settlement Administrator”);

8. The proposed settlement of Plaintiffs’ Private Attorneys General Act (the “PAGA”) claims is preliminarily approved;

9. The proposed Class Notice, attached as Exhibit A to the Settlement Agreement, is approved and shall be disseminated according to the notice plan described in the Settlement Agreement and substantially in the form submitted;

10. In conformity with the Class Notice, Settlement Class Members wishing to be excluded from the Settlement Class must submit a written request for exclusion requesting exclusion from the Settlement on or before the expiration of the opt out period (60 days after the date that the Class Notice is mailed);

11. In conformity with the Class Notice, any Settlement Class Member who does not opt out of the Settlement may object to the settlement, either personally or through an attorney, orally at the Final Approval Hearing or by providing written notice that the Settlement Class Member is objecting to the Settlement Administrator, which written notice must be postmarked no later than 60 days after the date that the Class Notice is mailed;

12. A Final Approval Hearing will be held on _____, to determine if the proposed settlement should be granted final approval. The Court will hear all evidence and argument necessary to evaluate the Settlement, and will consider Plaintiffs’ request for Class Representative Service Payments, Class Counsel’s request for Attorney’s Fees, Class Counsel’s request for Costs, payment to the LWDA, and payment to the

1 Settlement Administrator. Any Settlement Class Member who complies with the procedures
2 and requirements specified in the Class Notice may appear at the Final Approval Hearing;

3 13. Class Counsel is to file and serve the Motion for Final Approval of Class
4 Action Settlement and for Awards of Class Representative Service Awards, Attorneys' Fees,
5 Costs, payment to the LWDA, and payment to the Settlement Administrator, by
6 _____; and

7 14. The Court shall retain jurisdiction necessary to effectuate this Order and
8 consider all further applications out of or in connection with the Settlement.

9
10 Dated: _____

By: _____
Honorable Laura A. Seigle
Judge of the Superior Court