

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
Sean M. Blakely (SBN 264384)
sblakely@haineslawgroup.com
Joel M. Gordon (SBN 280721)
jgordon@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiffs

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

ARMANDO GARCIA-AVILA, as an
individual and on behalf of all others
similarly situated,

Plaintiff,

v.

ORANGE COUNTY ERECTORS, INC., a
California Corporation; and DOES 1 through
100,

Defendants.

Case No.: 30-2022-01284202-CU-OE-CXC

*[Assigned for all purposes to the Honorable
Melissa R. McCormick, Dept. CX104]*

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

Date: August 15, 2024
Time: 2:00 p.m.
Dept.: CX104

Reservation No.: 74261857

Complaint Filed: October 5, 2022
Trial Date: None Set

1 The Motion of Plaintiffs Armando Garcia-Avila and Roberto Rincon Lopez (“Plaintiffs”)
2 for Preliminary Approval of Class Action Settlement came on regularly for hearing before this
3 Court on August 15, 2024 at 2:00 p.m. This Court, having considered the proposed Stipulation of
4 Settlement (the “Settlement”) attached as Exhibit A to the Declaration of Sean M. Blakely filed
5 concurrently herein; having considered Plaintiffs’ Motion for Preliminary Approval of Class
6 Action Settlement, Memorandum of Points and Authorities in support thereof, and supporting
7 declarations filed 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 who are not governed
16 by a collective bargaining agreement and who worked for Defendant
17 Orange County Erectors, Inc. in California from October 5, 2018
until the date of preliminary approval (“Class Period”).

18 2. For purposes of the Settlement, the Court designates named Plaintiffs Armando
19 Garcia-Avila and Roberto Rincon Lopez as Class Representatives, and designates Paul K. Haines,
20 Sean M. Blakely, and Joel Gordon of Haines Law Group, APC as Class Counsel.

21 3. The Court designates Phoenix Settlement Administrators as the third-party
22 Settlement Administrator for mailing notices.

23 4. The Court approves, as to form and content, the Class Notice, Notice of Estimated
24 Settlement Award, and Request for Exclusion Form (collectively, the “Notice Packet”), attached
25 as Exhibits 1, 2, and 3, respectively, to the Settlement.

26 5. The Court finds that the form of notice to the Settlement Class regarding the
27 pendency of the action and of the Settlement, and the methods of giving notice to members of the
28 Settlement Class, constitute the best notice practicable under the circumstances, and constitute

valid, due, and sufficient notice to all of the Settlement Class members. The form and method of giving notice complies fully with the requirements of California Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

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

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

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

9. The Class Notice shall provide at least sixty (60) calendar days' notice for Settlement Class members to opt out of, or object to, the Settlement, or submit a dispute.

10. The Final Fairness Hearing on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in Department CX-104 of this Court, located at 751 West Santa Ana Boulevard, Santa Ana, California 92701 on _____, 2024 at _____ a.m. / p.m.

11. 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 Plaintiffs' application for reasonable attorneys' fees, reimbursement of litigation expenses, enhancement payments to Plaintiffs, and settlement administration costs should be granted.

12. 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, Plaintiffs' enhancement payments, and settlement administration costs, 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 the Settlement Administrator no later than [10 business days after preliminary approval]:	August 29, 2024
Settlement Administrator to mail the Notice Packet to Settlement Class members no later than [10 business days after receiving Class Data]:	September 13, 2024
Deadline for Settlement Class members to request exclusion from, or object to, the Settlement, or submit a dispute [60 calendar days after mailing]:	November 12, 2024
Deadline for Plaintiffs to file their Motion for Final Approval of Class Action Settlement:	December 6, 2024
Final Fairness Hearing:	_____, 2025

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

Hon. Melissa R. McCormick
Judge of the Superior Court