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Attorneys for Plaintiff ALBERT
LIZARRAGA, individually and on behalf of
all others similarly situated

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

CENTRAL DISTRICT — SPRING STREET COURTHOUSE

ALBERT LIZARRAGA, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

DIGBY SOUTHWEST, INC., an Arizona
Corporation; and DOES 1 through 100,
inclusive.

Defendants.

Case No.: 19STCV27901

Complex Class Action

*[Assigned for all purposes to the Hon. Stuart
M. Rice, Dept. 1]*

**~~PROPOSED~~ ORDER RE MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: April 20, 2023

Time: 10:30 a.m.

Department: 1

Complaint filed: August 9, 2019

Trial date: None set

FILED
Superior Court of California
County of Los Angeles

04/20/2023

David W. Slayton, Executive Officer / Clerk of Court

By: A. He Deputy

~~PROPOSED~~ ORDER

Having considered Plaintiff Albert Lizarraga's Motion for Preliminary Approval of Class Action Settlement and all supporting documents thereto (collectively "the Motion"), the parties' Class Action and PGA Settlement Agreement ("Settlement" or "Agreement"), attached as Exhibit 1 to the Declaration of Taras Kick in support of the Motion, and the proposed Notice of Class Action Settlement ("Class Notice") attached to the Agreement as Exhibit A, and for good cause shown, the Court hereby **ORDERS** as follows:

1. The Court **GRANTS** preliminary approval of the Settlement as set forth in the Agreement and finds the terms to be within the range of fairness, adequacy, and reasonableness of a settlement that ultimately could be granted final approval by the Court at the final approval hearing ("Final Approval Hearing"). All terms herein shall have the same meaning as defined in the Agreement, unless otherwise indicated. For purposes of settlement only, the Court finds that the proposed Class is ascertainable and presents a sufficiently well-defined community of interest in questions of law and fact. Therefore, the Court grants conditional certification of the Class defined as follows:

All current and former drivers, including but not limited to those misclassified as independent contractors or owner-operators, who performed work for Defendant in the State of California at any time during the Class Period, from August 9, 2015, through November 1, 2022.

2. For settlement purposes only, the Court designates Named Plaintiff Albert Lizarraga ("Plaintiff") as class representative.

3. For settlement purposes only, the Court appoints Taras Kick and Greg Taylor of The Kick Law Firm, APC as Class Counsel.

4. The Court appoints Simpluris, Inc. as the settlement administrator ("Settlement Administrator").

5. A Final Approval Hearing on the question of whether the proposed Settlement should be finally approved as fair, reasonable, and adequate to Plaintiff and the Class is scheduled in Dept. 1 of this Court, located at 312 N. Spring Street, Los Angeles, CA 90012, on the date stated at paragraph 13 below.

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1 6. At the Final Approval Hearing, the Court will consider among other things: (a) whether
2 the Settlement should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment
3 granting final approval of the Settlement should be entered; and (c) whether Named Plaintiff's application
4 for a Service Award and an award of attorneys' fees and costs to Class Counsel should be granted.

5 7. Class Counsel shall file memoranda, declarations, or other statements and materials in
6 support of their request for final approval and an award of attorneys' fees and costs at least sixteen (16)
7 court days before the Final Approval Hearing.

8 8. The Court approves, as to form and content, the Class Notice attached to the Settlement as
9 Exhibit A. The Court finds that the forms of notice to the Class regarding the pendency of the action and
10 of the proposed Settlement and the methods of giving notice to the Class constitute the best notice
11 practicable under the circumstances and constitute valid, due, and sufficient notice to all Class members.
12 The Class Notice fully complies with the requirements of California Code of Civil Procedure section 382,
13 California Civil Code section 1781, California Rules of Court, Rules 3.766 and 3.769, the California and
14 United States Constitutions and other applicable law.

15 9. The Court further approves the procedures, as set forth in the Agreement and the Class
16 Notice, for Class members to opt out of or object to the proposed Settlement or to dispute the number of
17 workweeks during the Class Period credited to them by the Settlement Administrator.

18 10. The Parties are ordered to carry out the proposed Settlement according to the terms of the
19 Agreement. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection
20 with the administration of the Settlement that are not materially inconsistent with either this Order or the
21 terms of the Agreement.

22 11. Pending the Final Approval Hearing, all proceedings in the action, other than those
23 necessary to carry out or enforce the terms and conditions of the Agreement and this Order, are stayed.

24 12. To facilitate notice of the Settlement pending final approval, the Court hereby enjoins Class
25 members from filing or prosecuting any claims, suits, or proceedings regarding claims released under the
26 proposed Settlement pending in this Department until such Class members have submitted valid Opt-Out
27 Requests with the Settlement Administrator.

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13. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Last day for Defendant to deliver Class Data to the Settlement Administrator	June 5, 2023
Last day for Settlement Administrator to send Notice by First-Class Mail	June 19, 2023
Last day for Plaintiff to file Motion for Final Approval / Fee Motion	October 19, 2023
Last day for Class Members to submit written objections, challenges to Workweeks and/or Pay Periods, and requests for exclusion ("Response Deadline") Note: a class member may object orally on the date of final approval hearing	August 18, 2023
Last day for Parties to respond to objections	November 3, 2023
Hearing on Motion for Final Approval / Fee Motion	November 13, 2023, at 10:30 a.m.
Last day to file Final Accounting	June 20, 2024

14. The Final Approval Hearing and related deadlines set forth above may, from time to time and without further notice to the Class (except those who have filed timely and valid objections), be continued or adjourned by Order of the Court.

IT IS SO ORDERED.

Dated: April 20, 2023



A handwritten signature in black ink, appearing to read "Stuart M. Rice".

Stuart M. Rice / Judge

THE HONORABLE STUART M. RICE
JUDGE OF THE SUPERIOR COURT

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**[PROPOSED] ORDER RE MOTION
FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

By Electronic Service Pursuant to Court Order: I caused such envelope to be delivered by e-mail (Case Anywhere) to:

Richard Rahm richard.rahm@us.dlapiper.com DLA Piper LLP (US) 555 Mission Street Suite 2400 San Francisco, CA 94105 T: (415) 836-2524 F: (415) 659-7324	Attorneys for Defendant DIGBY SOUTHWEST, INC.
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Executed on April 20, 2023.

Alina Muresan