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and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

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

Plaintiffs,

v.

DUNCAN INDUSTRIES, INC., a
California corporation, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: 23NWCV00280

Assigned to the Hon. Olivia Rosales, Department F

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT
AND LEAVE TO FILE FIRST AMENDED
COMPLAINT**

Date: March 13, 2024

Time: 10:30 a.m.

Dept.: C

RSVP 408156518546

Complaint Filed: January 26, 2023

1
2 The unopposed motion of proposed Plaintiff Peter Oun (“Plaintiff”) for Preliminary
3 Approval of Class and Representative Action Settlement and for Leave to File a First Amended
4 Complaint came on for hearing before this Court in Department C, Judge Lee Tfao presiding, on
5 March 13, 2024 at 10:30 a.m. The Court, having considered the papers submitted in support of the
6 motion and having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

7 1. The Court grants preliminary approval of the settlement based upon the terms set
8 forth in the proposed Settlement Agreement and Release of Claims (the “Settlement”) filed with
9 the Court. The settlement appears to be fair, adequate, 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 of Pendency of Proposed
14 Class Action Settlement and Final Hearing (“Notice”), attached to the Settlement as Exhibit 1, and
15 the Request for Exclusion form (“Exclusion Form”), attached to the Settlement as Exhibit 2;

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

21 5. It is ordered that the Settlement Class is preliminarily certified for settlement
22 purposes only. The Settlement Class is defined as follows: all current and former employees of
23 Defendant who were employed in California as a non-exempt employee during the Class Period.
24 The Aggrieved Employees are defined all current and former employees of Defendant who were
25 employed in California as a non-exempt employee during the PAGA Period;

26 6. The Court approves and appoints Gaines & Gaines, APLC as Class Counsel, and
27 grants preliminary approval of an award of attorneys’ fees of up to 35% of the Gross Settlement
28 Amount (or \$105,000) and documented litigation costs of up to \$15,000 to Class Counsel, subject

1 to final approval by the Court following a further motion by Class Counsel;

2 7. The Court approves and appoints Plaintiff Peter Oun as the Class Representative
3 and grants preliminary approval to proposed Incentive Award and General Release Payment to
4 Plaintiff Peter Oun in an amount not to exceed \$10,000, subject to final approval by the Court
5 following a further motion by the Class Representative;

6 8. The Court grants preliminary approval of the allocation of \$20,000 to settle the
7 representative claims under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of
8 which 75% (\$15,000) shall be paid directly to the LWDA and 25% (\$5,000) shall be paid to
9 Aggrieved Employees as part of the Net Settlement Proceeds;

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

13 10. The Court directs Plaintiff to file, for settlement purposes only, the First Amended
14 Complaint attached as Exhibit 3 to the Settlement within ten (10) calendar days after notice of entry
15 of this Order, and suspends any obligation of Defendant to file a responsive pleading thereto; and

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

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and their dates of employment in a non-exempt position in California during the Class Period ("Settlement Class Information")	10 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice to Class Members	20 calendar days after entry of Court's Order granting preliminary approval of Settlement
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>EVENT</u>	<u>TIMING</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	_____, 2024, at _____.m. (approximately 90 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT