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FILED

KERN COUNTY SUPERIOR COURT

3/22/2024

BY Jackson, Vanesa

DEPUTY

Attorneys for Plaintiff, the Putative Class, and the Aggrieved Employees

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

MICHAEL FAJARDO, an individual, on behalf  
of himself, the State of California, as a private  
attorney general, and on behalf of all others  
similarly situated,

Plaintiff,

v.

TAPATIO AUTO AND TRUCK WRECKING  
INC., a California Corporation; and DOES 1 TO  
50,

Defendants.

Case Number: BCV-23-100597

**Amended ~~Proposed~~ Order Granting  
Preliminary Approval of Class Action  
Settlement**

~~**PROPOSED**~~ ORDER

This matter having come for hearing on March 7, 2024, at 8:30 AM, regarding Plaintiff's unopposed Motion for Preliminary Approval of Class Action Settlement (the "Motion") on the terms set forth in the parties' *Class Action and PAGA Settlement Agreement and Class Notice* (the "Settlement") attached as **Exhibit 1** to the filed Declaration of Jonathan Melmed in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement. Having considered the Settlement, all papers and proceedings held herein, and having reviewed the entire record in this action, the Court hereby finds and orders:

1. The Court grants Plaintiffs leave file the overlength brief attached to the Motion.

2. The Court grants preliminary approval of the Settlement and the "Settlement Class" (as that term is defined in the Motion) based upon the terms set forth in the Settlement. All terms used herein shall have the same meaning as defined in the Motion. The resolution set forth in the Settlement appears to be fair, adequate, and reasonable to the Settlement Class.

3. The Settlement falls within the range of reasonableness and is presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.

4. A final fairness hearing on the question of whether the proposed Settlement, the attorneys' fees and costs to Plaintiff's counsel, and Plaintiff's service payment should be finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled in Courtroom 2 on the date and time set forth in the implementation schedule below.

5. This Court approves, as to form and content, the proposed class notice to be distributed to the Class Members pursuant to the Settlement in substantially the same form as is attached to the Settlement as **Exhibit A**. The Court approves the procedure for Class Members to participate in, to opt out of, and to object to the Settlement as set forth in the Settlement.

6. The Court directs the mailing of the class notice by first class mail to the Class Members in accordance with the implementation schedule set forth below. The Court finds the dates selected for the mailing and distribution of the class notice, as set forth in the implementation schedule, meet the

requirements of due process and constitute the best notice practicable under the circumstances and due and sufficient notice to all persons entitled thereto.

7. The Court preliminarily certifies the Class, as defined in the Motion, for settlement purposes.

8. The Court confirms Plaintiff Michael Fajardo (“Plaintiff” or “Class Representative”) as class representative.

9. The court confirms Jonathan Melmed, Laura Supanich, and Joanne Kim of Melmed Law Group P.C. as class counsel.

10. The court appoints ILYM Group, Inc. as the settlement administrator.

11. To facilitate administration of the Settlement pending final approval, the court hereby enjoins Plaintiff and all members of the Class from filing or prosecuting any claims, suits, or administrative proceedings (including filing claims with the Division of Labor Standards Enforcement of the California Department of Industrial Relations) regarding claims released by the Settlement, unless and until such Class Members have filed valid requests for exclusion with the Settlement Administrator and the time for filing claims with the Settlement Administrator has elapsed.

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

|    |                                                                                                  |                                                                                    |
|----|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| a. | Deadline for Defendant to Submit Class List to the Settlement Administrator                      | [Within thirty (30) calendar days of this order.]                                  |
| b. | Deadline for Settlement Administrator to Mail Notice Packets to all Class Members                | [Within fourteen (14) calendar days of receipt of the Class Data from Defendants.] |
| c. | Deadline for Class Members to Postmark Challenges                                                | [Within sixty (60) days after mailing of the Class Notice.]                        |
| d. | Deadline for Class Members to Postmark Requests for Exclusion                                    | [Within sixty (60) days after mailing of the Class Notice.]                        |
| e. | Deadline for Class Members to Submit Any Objections to Settlement                                | [Within sixty (60) days after mailing of the Class Notice.]                        |
| f. | Deadline for Settlement Administrator to Provide Class Counsel with Declaration of Due Diligence | No later than July 30, 2024.                                                       |

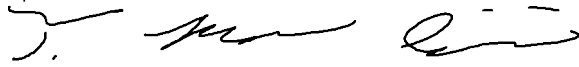
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|---|-------------------------------------|------------------------------|
| f | Final Approval and Fairness Hearing | August 29, 2024 at 8:30 a.m. |
|---|-------------------------------------|------------------------------|

13. If any of the dates in this implementation schedule fall on a weekend, bank or court holiday, the time to act shall be extended to the next business day.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

Signed: 3/22/2024 03:41 PM



Hon. T. Mark Smith  
Judge of the Superior Court, County of Kern