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9 individually and on behalf of others similarly situated

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF KINGS**

12 RAMIRO GALVAN, individually and on
13 behalf of others similarly situated,

14 Plaintiff,

15 vs.

16 RENT A TOILET, INC., DALIA PALACIO,
17 and DOES 1 through 50,

18 Defendants.

) CASE NO.: 23C-0050

) CLASS ACTION

) **[PROPOSED] ORDER GRANTING**
) **PRELIMINARY APPROVAL OF CLASS**
) **ACTION AND PAGA SETTLEMENT**
) **AND SETTING OF FINAL APPROVAL**
) **HEARING**

) Preliminary Approval Hearing:

) Date: December 3, 2024

) Time: 8:15 a.m.

) Dept.: 2 (Two)

) Complaint Filed: February 16, 2023

1 Plaintiff Ramiro Galvan (“Plaintiff”) and Defendants Rent A Toilet, Inc., RAT
2 Incorporated, Dalia Palacio, and Edison Palacio (“Defendants”) (collectively the “Parties”) have
3 reached a class action settlement, which includes a settlement of alleged claims for civil penalties
4 under the Labor Code Private Attorneys General Act (“PAGA”), intended to fully resolve all
5 disputes in this action, upon the terms and conditions set forth in the Class Action And PAGA
6 Settlement Agreement (“Agreement”), a copy of which was submitted as Exhibit 1 to the
7 Declaration of Justian Jusuf in support of Plaintiff’s motion for preliminary approval of the
8 settlement.

9 The settlement is subject to Court approval, pursuant to Rule 3.769 of the California Rules
10 of Court and Labor Code section 2699(I).

11 After reviewing Plaintiff’s motion, the Agreement, the proposed Notice of Settlement, and
12 other related documents, and having heard the argument of Counsel for respective parties,

13 IT IS HEREBY ORDERED:

14 1. The Court hereby GRANTS preliminary approval of the class action and PAGA
15 settlement upon the terms and conditions set forth in the Agreement. The Court preliminary finds
16 that the terms of the proposed class action settlement are fair, reasonable, and adequate.

17 2. The Court hereby certifies a Class, for settlement purposes, defined as follows:

18 **Any and all persons who have been employed by Defendants as non-exempt**
19 **employees in California at any time during the Class Period, from February 16,**
20 **2019 to July 25, 2024.**

21 3. The Court hereby appoints Plaintiff Ramiro Galvan as Class Representative for
22 settlement purposes.

23 4. The Court hereby appoints Justian Jusuf of the Law Office of Justian Jusuf, APC
24 and Sahag Majarian II of the Majarian Law Group, APC as Class Counsel for settlement purposes.

25 5. The Court hereby preliminary finds the Agreement was the product of serious,
26 informed, non-collusive negotiations conducted at arm’s length by the Parties. In making these
27 preliminary findings, the Court considered the estimate of the Class Members’ total recovery,
28 Defendants’ potential liability, the allocation of settlement proceeds among Class Members, and
the fact that a settlement represents a compromise of the Parties’ respective positions rather than

1 the result of a finding of liability at trial. The Court further preliminary finds that the terms of the
2 Settlement Agreement have no obvious deficiencies and do not improperly grant preferential
3 treatment to any individual Class member.

4 6. The Court hereby approves the Notice of Class and PAGA Settlement attached as
5 Exhibit A to the Agreement.

6 7. The Court finds that the Notice of Settlement constitutes the best notice practicable
7 under the circumstances and is in full compliance with the laws of the State of California and, to
8 the extent applicable, the United States Constitution and the requirements of due process. The
9 Court further finds that the Notice of Settlement sufficiently informs Class members of all
10 material elements of the proposed class action settlement, of each Class member's right to be
11 excluded from the Class, and each Class member's right and opportunity to object to the proposed
12 class action settlement.

13 8. The Court approves Phoenix Settlement Administrators to serve as the Settlement
14 Administrator.

15 9. The Parties are hereby ordered to implement the terms of the Agreement.

16 10. Any Class Member requesting to be excluded from the Settlement Class must
17 submit his or her written request for exclusion no later than 60 (sixty) days after the original date
18 of the Settlement Administrator's mailing of the Notice of Class Settlement. Any Class Member
19 who submits a valid and timely request to be excluded from the Settlement shall no longer be a
20 member of the Settlement Class, shall not be bound by the terms of the Settlement as provided in
21 the Agreement, shall have no right to object to this Settlement, and shall receive no benefit from
22 this Settlement.

23 11. The Court further orders that each Class Member shall be given full opportunity to
24 object to the proposed class action settlement and to participate at a Final Approval hearing. Any
25 Class member objecting to the proposed class action settlement shall mail such objection to the
26 Settlement Administrator no later than 60 (sixty) calendar days after the date the Settlement
27 Administrator mails the Notice of Class Settlement to Class Members. Plaintiff's Counsel shall
28 submit any such objections to the Court. Plaintiff's Counsel and Counsel for Defendants shall file

1 all written responses to any written objections filed by Class Members at least 14 (fourteen)
2 calendar days before the Final Approval hearing, provided, however, that failure to file a written
3 response shall not bar Plaintiff or Defendants from presenting oral argument or evidence
4 concerning such objection at the Final Approval hearing.

5 12. The **Final Approval Hearing** is set for _____, 2025 at _____ in
6 Department 2.

7 13. Plaintiff shall file the motion for final approval of the settlement, award of
8 attorneys' fees and costs, award of enhancement award for Plaintiff, and approval of the
9 Settlement Administrator's fee and costs no later than sixteen (16) court days before the final
10 approval hearing. A declaration by the Settlement Administrator of due diligence and proof of
11 mailing with regard to the mailing of the notice shall accompany the motion for final approval of
12 the settlement.

13 **IT IS SO ORDERED.**

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15 Dated: _____
16 _____
17 Judge of the Superior Court
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