

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO**

DAVID ALEGRIA, Individually, and on
behalf of other members of the general public
similarly situated

Plaintiff

v.

NEXENTIRE AMERICA, INC., a Maryland
Corporation; and DOES 1-10, inclusive

Defendants

CASE NO. CIVSB2304566

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S *UNOPPOSED* MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT AND CERTIFICATION OF
PROVISIONAL SETTLEMENT CLASS**

Date: January 26, 2026

Time: 8:30 a.m.

Judge: Hon. Christian Towns

Dept.: S26

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Plaintiff MARCELINO ORTUNO's Unopposed Motion for Conditional Certification of
3 Settlement Class and Preliminary Approval of Good Faith Determination of Class Action Settlement,
4 in the above-captioned matter, came on for hearing before this Court on January 26, 2026 at 8:30 a.m.
5 in Dept. S26. Sullivan & Yaeckel Law Group, APC appeared on behalf of Plaintiff and the Class; Lim
6 Nexus, LLP, appeared on behalf of Defendant. On good cause shown, and pursuant to the authority
7 of California statutory and case law, this Court finds that the settlement between Plaintiff and
8 Defendant was made in good faith pursuant to California Rules of Court, rules 3.769 and 3.770.
9 Accordingly, this Court rules as follows:

10 **IT IS HEREBY ORDERED THAT:**

- 11 1. Plaintiff's Unopposed Motion for Preliminary Approval of the Class Action Settlement is
12 hereby granted.
- 13 2. Specifically, the Court preliminarily orders as follows:
 - 14 a. Conditionally certifying the following class, which is subject to the Settlement:
15 all nonexempt employees of Nexen Tire America, Inc., in California from February 22,
16 2019 through July 14, 2025.
 - 17 b. Appointing David Alegria and Mauro Moreno as Class Representatives.
 - 18 c. Appointing Sullivan & Yaeckel Law Group, APC and Capstone Law APC as Class
19 Counsel.
 - 20 d. Approving as to form and content the proposed Notice of Class Action Settlement.
 - 21 e. Appointing CAC Services, LLC ("CAC") to act as the Settlement Administrator. CAC
22 is directed to issue—via first-class United States mail—the Notice of Proposed Class
23 Action Settlement to the proposed Class Members, as specified in the Joint Stipulation
24 and Settlement of Class Action.
 - 25 f. The settlement class members are provided 45-days from dissemination of the notice
26 to submit a dispute, object, or opt out of the proposed class action settlement.
 - 27 g. The Settlement is preliminarily approved subject only to the objections of Class
28

Members and final review by the Court.

h. Class Counsel's request for Attorneys' Fees and Costs up to an amount of \$83,333.00, and up to \$20,000.00 in costs, is preliminarily approved, subject to the final review of the Court.

i. The Class Representative enhancement award of \$15,000.00 (\$7,500.00 each) to David Alegria and Mauro Moreno in consideration for serving as Class Representatives is preliminarily approved, subject to final review of the Court.

3. The Court will hold a hearing on Plaintiffs' Request for: **(1)** Final Approval of the Settlement; **(2)** Class Representative Enhancement Awards; and **(3)** Attorneys' Fees and Costs, on or around _____ in department S26.

IT IS SO ORDERED.

Dated: _____

HON. CHRISTIAN TOWNS
JUDGE OF THE SUPERIOR COURT