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12 general public similarly situated

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF SAN BERNARDINO**

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

18 Plaintiff,

19 vs.

20 NEXEN TIRE AMERICA, INC., a Maryland
21 Corporation; and DOES 1-10, inclusive,

22 Defendant

CASE NO. CIVSB2304566

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

Date: May 8, 2026

Time: 8:30 a.m.

Judge: Hon. Kevin C. Lee

Dept.: S26

23 FIRST AMENDED [PROPOSED] ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR
24 PRELIMINARY APPROVAL OF SETTLEMENT AND CERTIFICATION OF PROVISIONAL SETTLEMENT
25 CLASS - 1

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

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

10
11
12 Upon review of the submitted declarations, motion, and attached exhibits, the Court makes
13 the following findings in light the Dunk and Kuller factors identified in the Plaintiff's motion:

- 14 a. The class action and PAGA settlement agreement entered among the Parties and their
15 counsel appears to be the result of arm's length and well-informed negotiation, it fell
16 within the range of reasonableness and each of the Class Members was treated
17 equitably. Sufficient discovery and investigation have been completed to allow the
18 court and counsel to act intelligently. (See Memo, Section III.VI.F).
19
20 b. Plaintiff's counsel is sufficiently experienced in handling similar matters, Plaintiffs
21 were able to adequately evaluate their positions, the strengths and weaknesses of their
22 claims and the ability to certify them after conducting thorough discovery and research.
23 The Plaintiffs have provided the court with sufficient information about the potential
24 maximum recovery, complexity and duration of further litigation, limitations of that
25 recovery and the risks to the Plaintiffs of going to trial and risks of maintaining class
26

27 FIRST AMENDED [PROPOSED] ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR
28 PRELIMINARY APPROVAL OF SETTLEMENT AND CERTIFICATION OF PROVISIONAL SETTLEMENT
CLASS - 2

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1 action status. The provided information allowed the court to make an independent
2 determination as to the reasonableness of the terms to which the Parties have agreed.
3 (See Yaeckel Decl. ¶¶ 4-9, 40-47, 54).

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5 Accordingly, this Court rules as follows:

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6 **IT IS HEREBY ORDERED THAT:**

- 7 1. Plaintiff's Unopposed Motion for Preliminary Approval of the Class Action Settlement is
8 hereby granted.
9
10 2. Specifically, the Court preliminarily orders as follows:
11 a. Conditionally certifying the following class, which is subject to the Settlement:
12 all nonexempt employees of Nexen Tire America, Inc., in California from February
13 22, 2019 through July 14, 2025.
14 b. Appointing David Alegria and Mauro Moreno as Class Representatives.
15 c. Appointing Sullivan & Yaeckel Law Group, APC and Capstone Law APC as Class
16 Counsel.
17 d. Approving as to form and content the proposed Notice of Class Action Settlement.
18 e. Appointing CAC Services, LLC ("CAC") to act as the Settlement Administrator.
19 CAC is directed to issue—via first-class United States mail—the Notice of
20 Proposed Class Action Settlement to the proposed Class Members, as specified in
21 the Joint Stipulation and Settlement of Class Action.
22
23 f. The settlement class members are provided 45-days from dissemination of the
24 notice to submit a dispute, object, or opt out of the proposed class action settlement.
25
26
27

g. The Settlement is preliminarily approved subject only to the objections of Class 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 July 23, 2026 in department S26.

~~3.4.~~ The Court will retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement pursuant to Code of Civil Procedure section 664.6.

IT IS SO ORDERED.

HON. KEVIN C. LEE~~CHRISTIAN TOWNS~~
JUDGE OF THE SUPERIOR COURT

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