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Attorneys for Plaintiff,
SALVADOR CORTEZ

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

SALVADOR CORTEZ, individually and on
behalf of others similarly situated,

Plaintiff,

vs.

DIRECT PAINTING & DECORATING, INC.,
a California corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No. 23STCV02248
Consolidated with Case No. 23STCV07806

*Assigned for All Purposes to: Judge William
F. Highberger, Department 10*

CLASS ACTION

NOTICE OF ENTRY OF ORDER

Complaint Filed: February 1, 2023
Trial Date: None Set

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on November 20, 2024, the Honorable William F.
3 Highberger in Department 10 of the above-entitled Court, located at Los Angeles Superior Court
4 at 312 N Spring St, Los Angeles, California 90012, issued a Minute Order and executed the
5 Proposed Order Granting Plaintiff's Motion for Preliminary Approval of Class Action and PAGA
6 Settlement. Attached hereto as **Exhibit A** is a true and correct copy of the Order which was
7 executed and filed on November 20, 2024. Attached hereto as **Exhibit B** is a true and correct
8 copy of the Minute Order issued on November 20, 2024.

9
10 Date: November 21, 2024

PROTECTION LAW GROUP, LLP

11
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13 By: 

14 Heather Davis, Esq.
15 Amir Nayebdadash, Esq.
16 D. Luke Clapp, Esq.
17 *Attorneys for Plaintiff,*
18 SALVADOR CORTEZ
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Exhibit A

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Attorneys for Plaintiff
SALVADOR CORTEZ

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
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SALVADOR CORTEZ, individually and on
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DIRECT PAINTING & DECORATING,
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Case No. 23STCV02248
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*Assigned for All Purposes to: Judge William F.
Highberger, Department 10*

CLASS ACTION

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT**

Hearing Date: November 20, 2024
Hearing Time: 11:00 a.m.
Department: 10

Complaint Filed: February 1, 2023
Trial Date: None Set

~~PROPOSED~~ ORDER

The Motion of Plaintiff Salvador Cortez (“Plaintiff”) for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) came regularly for hearing before this Court. The Court, having fully reviewed Plaintiff’s Motion, the Memorandum of Points and Authorities and Declarations filed in support thereof, the Parties’ Joint Stipulation for Class Action and PAGA Settlement attached to the Declaration of Heather Davis (“Settlement” or “Settlement Agreement”) filed concurrently with the Motion, and the proposed Notice of Class Action Settlement (“Notice”), and in recognition of the Court’s duty to make a preliminary determination as to the reasonableness of any proposed Class Action settlement, and if preliminarily determined to be reasonable, to ensure proper notice is provided to Class Members in accordance with due process requirements; and to conduct a Final Approval hearing as to the good faith, fairness, adequacy and reasonableness of any proposed settlement, THE COURT HEREBY MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing. All terms used herein shall have the same meaning as defined in the Settlement Agreement. For purposes of the Settlement only, the Court finds that the proposed Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following settlement Class:

All current and former hourly-paid, non-exempt employees of Defendant Direct Painting, Inc., who worked for Defendant Direct Painting, Inc., in the State of California at any time between February 1, 2019, through May 31, 2024.

2. For purposes of the Settlement only, the Court designates Plaintiff Salvador Cortez as the Class Representative and designates Protection Law Group, LLP as Class Counsel.

3. The Court designates Apex Class Action, LLC as the third-party Settlement Administrator.

1 4. The Parties are ordered to implement the Settlement according to the terms of the
2 Settlement Agreement.

3 5. The Court approves, as to form and content, the Court Approved Notice of Class
4 Action Settlement and Hearing Date for Final Court Approval (“Class Notice”) attached as
5 **Exhibit A** to the Settlement Agreement.

6 6. The Court finds that the form of the notice to the Class regarding the pendency of
7 the Action and of the Settlement, the dates selected for mailing and distribution, and the methods
8 of giving notice to members of the Class, satisfy the requirements of due process, constitute the
9 best notice practicable under the circumstances, and constitute valid, due, and sufficient notice to
10 all members of the Class. The form and method of giving notice complies fully with the
11 requirements of California Code of Civil Procedure § 382, California Civil Code § 1781,
12 California Rules of Court §§ 3.766 and 3.769, the California and United States Constitutions, and
13 other applicable law.

14 7. The Court further approves the procedures for Class Members to opt-out of or
15 object to the Settlement, as set forth in the Class Notice and the Settlement Agreement. The
16 procedures and requirements for filing objections in connection with the final fairness hearing are
17 intended to ensure the efficient administration of justice and the orderly presentation of any Class
18 Member’s objection to the Settlement, in accordance with the due process rights of all Class
19 Members.

20 8. Within fourteen (14) calendar days of the issuance of this Order, Defendant shall
21 provide the Settlement Administrator with the Class Member information specified in the
22 Settlement Agreement.

23 9. Within seven (7) calendar days after receipt of the Class Member information from
24 Defendant, the Settlement Administrator shall mail the Class Notice to the members of the Class
25 in accordance with the terms of the Settlement Agreement.

26 10. The hearing on Plaintiff’s Motion for Final Approval of Settlement on the question
27 of whether the Settlement should be finally approved as fair, reasonable, and adequate is
28 scheduled in Department 10 of this Court, located at the Spring Street Courthouse, 312 N Spring

St., Los Angeles, CA 90012, on _____, at ____ a.m. / p.m.

11. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for an enhancement payment, settlement administration costs, and Class Counsel's attorneys' fees and costs, should be granted.

12. Counsel for the Parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of Plaintiff's application for service payments, settlement administration costs, Class Counsel's attorneys' fees and costs, prior to the hearing on Plaintiff's Motion for Final Approval of Settlement according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

13. An implementation schedule is below:

Event	Date
Defendant to provide Class List to the Settlement Administrator no later than:	<u>12/6/24</u> [14 calendar days following preliminary approval]
Settlement Administrator to mail the Class Notice to the Class Members no later than:	<u>12/13/24</u> [7 calendar days following provision of contact information]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	<u>2/11/25</u> [60 calendar days after mailing of the Class Notice]
Deadline for Plaintiff to file Motion for Final Approval of Class Action and PAGA Settlement:	<u>3/25/25</u>

	[16 court days before the Final Approval Hearing]
Hearing on Motion for Final Approval of Settlement: [suggested date _____)	<u>4/17/25 11 a.m.</u>

14. Pending the Final Approval hearing, all proceedings in this Action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed. 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, or suits regarding claims released by the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with the Settlement Administrator.

15. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

Date: 11/20/2024



HON. WILLIAM F. HIGHBERGER
JUDGE OF THE SUPERIOR COURT

Exhibit B

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 10

23STCV02248

**SALVADOR CORTEZ, vs DIRECT PAINTING &
DECORATING, INC.**

November 20, 2024

11:00 AM

Judge: Honorable William F. Highberger

Judicial Assistant: E. Munoz

Courtroom Assistant: R. Sanchez

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Arnel O. Tan for Amir Nayebdadash via LACC

For Defendant(s): Bruce D. May via LACC

NATURE OF PROCEEDINGS: Hearing on Motion for Preliminary Approval of Settlement ad
PAGA Settlement

The matter is called for hearing without a court reporter.

The above entitled motion is heard.

The Notice of Motion and Motion for Preliminary Approval of Class Action and PAGA
Settlement filed by Salvador Cortez on 10/10/2024 is Granted.

Order Granting Preliminary Approval to Class Action Settlement is signed and filed on this date.

Plaintiff's motion for final approval of settlement is to be filed and served by 03/25/2025.

Hearing on Motion for Final Approval of Settlement is scheduled for 04/17/2025 at 11:00 AM in
Department 10 at Spring Street Courthouse.

Counsel for Plaintiff is to give notice.