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Attorneys for Plaintiff and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SONOMA

RAFAEL MANZO CORTES, an individual,
on behalf of himself and others similarly
situated,

PLAINTIFF,

v.

BOYRIE ENTERPRISES, INC. DBA MKB
CONSTRUCTION; and DOES 1 thru 50,
inclusive,

DEFENDANTS.

CASE NO. SCV-272909

[Case Assigned for All Purposes to Hon. Oscar
A. Pardo in Dept. 19]

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT AND
PAGA SETTLEMENT**

Date:

Time:

Dept.:

Complaint Filed: March 23, 2023

FAC Filed: May 30, 2023

Trial Date: None Set

1 The Motion for Preliminary Approval of the Class Settlement came before this Court on
2 _____, the Honorable Oscar A. Pardo, presiding. The Court, having considered the
3 papers submitted in support of the motion of the parties, **HEREBY ORDERS THE**
4 **FOLLOWING:**

5 1. The Court grants preliminary approval of the proposed settlement based upon the
6 terms set forth in the Class Action and PAGA Settlement Agreement (“Agreement” or
7 “Settlement”) filed herewith. The Agreement appears to be fair, adequate, and reasonable to the
8 Class. The Court finds that: (a) the Agreement resulted from extensive arm’s length negotiations;
9 and (b) the Agreement is sufficient to warrant notice of the Agreement to persons in the Class and
10 a full hearing regarding final approval of the Agreement.

11 2. For purposes of this Order, the proposed Class is defined as follows:

12 “all non-exempt employees who are employed or have been
13 employed by BOYRIE ENTERPRISES, INC. DBA MKB
14 CONSTRUCTION, in the State of California who worked one or
15 more pay periods during the Class Period.” (“Settlement Class
16 Members” or “Class”)

17 3. The Class Period is March 23, 2019 through December 31, 2024.

18 4. For purposes of this Order, the Aggrieved Employees are defined as follows:

19 “all non-exempt employees who are employed or have been
20 employed by BOYRIE ENTERPRISES, INC. DBA MKB
21 CONSTRUCTION, in the State of California who worked one or
22 more pay periods during the PAGA Period.” (“Aggrieved
23 Employees”)

24 5. The PAGA Period is March 23, 2022 to December 31, 2024.

25 6. The Agreement falls within the range of reasonableness and appears to be
26 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
27 and final approval by this Court.

28 7. The Court makes the following preliminary findings for settlement purposes only:

A. The Class, which consists of approximately 518 persons, is so numerous that
joinder of all members is impracticable;

B. There appear to be questions of law or fact common to the Class for purposes
of determining whether this Settlement should be approved;

1 C. Plaintiff's claims appear to be typical of the claims being resolved through
2 the proposed settlement;

3 D. Plaintiff appears to be capable of fairly and adequately protecting the
4 interests of the Settlement Class Members in connection with the proposed
5 settlement;

6 E. Common questions of law and fact appear to predominate over questions
7 affecting only individual persons in the settlement Class. Accordingly, the
8 settlement Class appears to be sufficiently cohesive to warrant settlement by
9 representation; and

10 F. Certification of the Class appears to be superior to other available methods
11 for the fair and efficient resolution of the claims of the Class.

12 8. The Court approves, as to form and content, the Notice of Class Action Settlement
13 to Settlement Class Members in substantially the form attached to the Agreement as Exhibit "A".

14 9. The Court approves the procedure for Settlement Class Members to opt out to the
15 Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

16 10. The Court approves the procedure for Settlement Class Members to object to the
17 Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

18 11. The Court directs the mailing of the Notice of Class Action Settlement and related
19 documents to members of the Class by first class mail in accordance with the Agreement and the
20 implementation schedule set forth below. The Court finds that the dates selected for the mailing
21 and distribution of the notice, as set forth in the following implementation schedule, meet the
22 requirements of due process and provide the best notice practicable under the circumstances and
23 shall constitute due and sufficient notice to all persons entitled thereto.

24 12. It is ordered that the settlement Class is preliminarily certified for settlement
25 purposes only.

26 13. The Court confirms Eric B. Kingsley and Kelsey M. Szamet of KINGSLEY
27 SZAMET EMPLOYMENT LAWYERS as Class Counsel.

28 14. The Court confirms RAFAEL MANZO CORTES as Class Representative.

15. The Court approves Phoenix Class Action Administration Solutions as the
Administrator.

16. The Court orders that pursuant to the California Private Attorneys General Act,

Labor Code §§ 2698, et seq. (“PAGA”), statutory notice of this Agreement has been and will continue to be given to the Labor & Workforce Development Agency.

17. A final fairness hearing on the question of whether the proposed Agreement, attorneys’ fees and costs to Class Counsel, the PAGA payment, and the claims administration costs should be finally approved as fair, adequate, and reasonable as to the members of the Class is scheduled for _____ at _____ (Pacific Time), in Department .

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

a.	Preliminary Approval Granted	_____
b.	Deadline for Defendant to Provide Settlement Class Members’ Information to Administrator	30 calendar days from Entry of Preliminary Approval
c.	Administrator Shall Mail Notice to Settlement Class Members	14 calendar days from receipt of the Class List from Defendant
d.	Deadline for Postmark of Any Request for Exclusion	45 Days from Mailing of Notices
e.	Deadline for Postmark of Any Objection	60 Days from Mailing of Notices
f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	To be determined by the Court _____
g.	Deadline for Class Counsel to file Motion for Attorneys’ Fees	To be determined by the Court _____
h.	Final Approval Hearing	_____

19. IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the “Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the subject of this Order shall become null, void, unenforceable and inadmissible in any judicial, administrative or arbitral proceeding for any purpose, and all evidence, court orders and

1 proceedings had in connection therewith, shall be without prejudice to the status quo ante rights
2 of the Parties to the litigation, as more specifically set forth in the ("Agreement.

3 20. IT IS FURTHER ORDERED that, pending further Order of this Court, all
4 proceedings in this matter except those contemplated herein and in the Agreement are hereby
5 stayed.

6 21. The Court expressly reserves the right to adjourn or continue the Final Fairness
7 Hearing from time to time without further notice to members of the Class.

8
9 **DATED:** _____

10 **JUDGE OF THE SUPERIOR COURT**
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(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On August 27, 2025, I served all interested parties in this action the following documents described as: **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AND PAGA SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Elizabeth A. Fritzinger, Esq.
EF LAW GROUP, P.C.
101 Morris St., Suite 101
Sebastopol, CA 95472
elizabeth@efritzlaw.com
Attorneys for Defendant

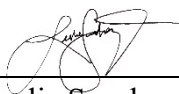
ABRAMSON LABOR GROUP
William Zev Abramson
Wza@abramsonlabor.com
1700 W Burbank Blvd,
Burbank CA 91506
Attorneys for Plaintiff

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/432>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] BY ELECTRONIC MAIL TRANSMISSION: I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the below email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 27, 2025, at Chino, California.



Leslie Sanchez