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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUL 29 2024

BY *Victoria Sanchez*
VICTORIA SANCHEZ, DEPUTY

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

CRISTINA CORDERO, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

OLDCASTLE APG, INC., a Delaware
corporation; OLDCASTLE APG WEST,
INC., a Colorado corporation; and DOES 1
through 100, inclusive,
Defendants.

Case No.: CIVSB2308695

*[Assigned for All Purposes to Hon. Jessica
Morgan, Dept. S-26]*

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

Date: July 29, 2024
Time: 8:30 a.m.
Dept.: S-26

1 The Motion of Plaintiff Cristina Cordero ("Plaintiff") for Preliminary Approval of Class
2 Action Settlement ("Motion") came on regularly for hearing before this Court on July 29, 2024 at
3 8:30 a.m. in Department S-26. The Court, having considered the proposed Stipulation of Class
4 Action and PAGA Settlement (the "Settlement"), attached as **Exhibit 1** to the Declaration of Scott
5 M. Lidman filed concurrently with the Motion; having considered Plaintiff's Motion,
6 Memorandum of Points and Authorities in support thereof, and supporting declarations filed
7 therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set
9 forth in the Settlement and finds it terms to be within the range of reasonableness of a settlement
10 that ultimately could be granted approval by the Court at a Final Fairness Hearing. For purposes
11 of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that
12 there is a sufficiently well-defined community of interest among the members of the Settlement
13 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
14 conditional certification of the following Settlement Class:

15 All current and former non-exempt, hourly employees of Defendants
16 Oldcastle APG, Inc. and Oldcastle APG West, Inc. who worked in
17 California at any time between April 17, 2019 and the date of preliminary
approval of this Settlement Agreement.

18 2. For purposes of this Settlement Agreement, the "Class Period" shall mean the
19 time period of April 17, 2019 through the date of preliminary approval of this Settlement
20 Agreement.

21 3. For purposes of the Settlement, Plaintiff is granted leave to file the Second
22 Amended Complaint, which is attached to the Settlement as Exhibit C, within 10 days of this
23 signed order.

24 4. For purposes of the Settlement, the Court designates named Plaintiff Cristina
25 Cordero as Class Representative, and Scott M. Lidman and Milan Moore of Lidman Law, APC
26 and Paul K. Haines of Haines Law Group, APC as Class Counsel.

27 3. The Court designates Phoenix Settlement Administrators ("Phoenix") as the third-
28

1 party Settlement Administrator for mailing notices.

2 4. The Court approves, as to form and content, the Notice of Pendency of Class
3 Action and Proposed Settlement and Notice of Individual Settlement Award attached to the
4 Settlement as **Exhibit D**.

5 5. The Court finds that the form of notice to the Settlement Class regarding the
6 pendency of the action and of the Settlement, and the methods of giving notice to Settlement Class
7 members, constitutes the best notice practicable under the circumstances, and constitute valid,
8 due, and sufficient notice to all members of the Settlement Class. The form and method of giving
9 notice complies fully with the requirements of California Code of Civil Procedure section 382,
10 California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and
11 United States Constitutions, and other applicable law.

12 6. The Court further approves the procedures for Settlement Class members to opt
13 out of or object to the Settlement, as set forth in the Notice of Pendency of Class Action and
14 Proposed Settlement.

15 7. The procedures and requirements for filing objections in connection with the Final
16 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
17 presentation of any Settlement Class member's objection to the Settlement, in accordance with
18 the due process rights of all Settlement Class members.

19 8. The Court directs the Settlement Administrator to mail the Notice of Pendency of
20 Class Action and Proposed Settlement and Notice of Individual Settlement Award to all of the
21 Class members in accordance with the terms of the Settlement.

22 9. The Class Notice shall provide at least 60 calendar days' notice for Settlement
23 Class members to dispute, opt out of, or object to, the Settlement.

24 10. The Final Fairness Hearing on the question of whether the Settlement should be
25 finally approved as fair, reasonable, and adequate is scheduled in Department S-26 of this Court,
26 located at 247 West Third Street, San Bernardino, California 92415 on January 6, 2025
27 at 8:30 0 a.m./ p.m.

1 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
2 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
3 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's
4 application for reasonable attorneys' fees, reimbursement of litigation expenses, service award to
5 Plaintiff, and payment to the Labor and Workforce Development Agency ("LWDA") for penalties
6 under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

7 12. Counsel for the parties shall file memoranda, declarations, or other statements and
8 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
9 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA
10 for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code
11 of Civil Procedure and the California Rules of Court.

12 13. An implementation schedule is below:

Event	Date
Defendants to provide Class Data to Settlement Administrator	14 business days after the Court enters an order granting preliminary approval.
Settlement Administrator to mail Notice Packets to Class Members	10 business days after receiving Class Data from Defendant
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	60 calendar days after mailing of the Notice by the Settlement Administrator
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement (and to respond to any objections):	16 Court days before the Final Fairness Hearing
Final Fairness Hearing:	<u>1/6/25</u> , 2024

21 15. Pending the Final Fairness Hearing, all proceedings in this action, other than
22 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
23 Order, are stayed.

24 16. Counsel for the parties are hereby authorized to utilize all reasonable procedures
25 in connection with the administration of the Settlement which are not materially inconsistent with
26 either this Order or the terms of the Settlement.

27 **IT IS SO ORDERED.**

1 Dated: 7/29, 2024

2 
Honorable Jessica Morgan
Judge of the Superior Court

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is [X] 2155 Campus Drive., Suite 150, El Segundo, California 90245.

On August 1, 2024, I served the foregoing document(s) described as:

1. ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

on the interested party(ies) in this action as follows:

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OLDCASTLE APG, INC. and
OLDCASTLE APG WEST, INC.

[X] (BY ELECTRONIC MAIL) I am "readily familiar" with Haines Law Group, APC's practice of serving documents via electronic mail. Under the practice, pursuant to an agreement between Haines Law Group, APC, and the party(ies) listed above, the document is being sent via electronic mail to the email address last provided by the individual to whom the aforementioned document is being served.

[X] (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 1, 2024, at El Segundo, California.



Marlyn Ajanel