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~~June 30, 2025~~

**F I L E D**  
San Diego Superior Court  
Central Division

JUL 25 2025

Clerk of the Superior Court  
By: A. Yim, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO-CENTRAL DIVISION

JENNIFER MACHADO and NADIA ) Case No.: 37-2023-00020925-CU-OE-  
SCURRY, individually and as the State ) CTL (Consolidated with Case No. 37-  
of California's designated proxies ) 2023-00022638)  
pursuant to the Private Attorneys General )  
Act (PAGA) on behalf of the State of ) Judge: Hon. Katherine A. Bacal  
California and other aggrieved ) Dept.: 63  
employees, )

~~PROPOSED~~ ORDER

Plaintiffs,

vs.

KLAP6 TECHNOLOGIES LLC, a  
California limited liability company;  
IEM INTERNATIONAL, INC., a  
Delaware corporation; and DOES 1  
through 50,

Defendants.

1                                    **ORDER GRANTING PRELIMINARY APPROVAL OF**  
2                                    **CLASS ACTION AND PAGA SETTLEMENT**

3            This matter came on for hearing on July 25, 2025, at 1:30 p.m. in Department  
4 63 of the above-captioned court on the Plaintiffs' Motion for Preliminary Approval of  
5 Class Action and PAGA Settlement (the "Motion"), upon the terms and conditions set  
6 forth in the Class Action and Paga Settlement Agreement and Class Notice  
7 ("Settlement Agreement" or "Settlement"), a copy of which is attached as **Exhibit 1**  
8 to the Declaration of Thomas D. Rutledge filed concurrently with the Motion and  
9 incorporated herein by reference as though part of this Order. The Parties appeared  
10 via their respective counsel.

11            The Court, having fully reviewed the Motion, the Memorandum of Points and  
12 Authorities, the Declarations filed in support thereof, the Settlement Agreement, the  
13 Court Approved Notice of Class Action Settlement and Hearing Date For Final Court  
14 Approval (the "Class Notice"), and pursuant to the Court's duty to make a preliminary  
15 determination as to the reasonableness of any proposed class action and PAGA  
16 settlement, and to ensure proper notice is provided to Class Members and Aggrieved  
17 Employees in accordance with due process requirements, and to set a Final Approval  
18 hearing regarding the proposed settlement, and having heard the argument of Counsel  
19 for the respective parties, **THE COURT MAKES THE FOLLOWING**  
20 **DETERMINATIONS AND ORDER:**

21            It appears to the Court on a preliminary basis that the settlement amount is fair  
22 and reasonable to the Class when balanced against the probable outcome of further  
23 litigation relating to class certification, liability and damages issues and potential  
24 appeals. It further appears that significant investigation, research, and litigation has  
25 been conducted such that counsel for the Parties at this time are able to reasonably  
26 evaluate their respective positions. It further appears that settlement at this time will  
27 avoid substantial costs, delay and risks that would be presented by the further  
28 prosecution of the litigation. It further appears that the proposed Settlement has been

1 reached as the result of intensive, serious, and non-collusive negotiations between the  
2 Parties.

3 Accordingly, good cause appearing, the Motion for Preliminary Approval of  
4 the Class and PAGA Settlement is hereby **GRANTED**. As a part of said preliminary  
5 approval thereof, the Court hereby orders that the Settlement Class be conditionally  
6 certified for settlement purposes only, the PAGA settlement be preliminarily  
7 approved, and Thomas D. Rutledge, Esquire, Aaron Bartz, Esquire, and Walter L.  
8 Haines, Esquire and their respective law offices, are conditionally and preliminarily  
9 appointed Class Counsel.

10 **THE COURT FURTHER FINDS AND ORDERS AS FOLLOWS:**

11 1. The Court finds that the Settlement Agreement is within the range of  
12 reasonableness of a settlement that could ultimately be given final approval by this  
13 Court.

14 2. The Court notes that Defendants vigorously deny and continue to deny  
15 generally each and all the claims and contentions alleged in this Action.

16 3. The Court preliminarily finds that the terms of the class-action settlement  
17 are fair, just, reasonable, and adequate, pursuant to § 382 of the California Code of  
18 Civil Procedure.

19 4. The Court finds that the elements of numerosity, commonality,  
20 typicality, and adequacy have been established to support conditional certification of  
21 the Settlement Class for settlement purposes only, and that the settlement does not  
22 have any obvious deficiencies nor does it improperly grant preferential treatment to  
23 the Class Representatives or segments of the Settlement Class.

24 5. The Court further finds that significant investigation, research, litigation,  
25 and formal and informal discovery have been conducted such that the Counsel for the  
26 Plaintiffs Jennifer Machado and Nadia Scurry, individually and on behalf of the State  
27 of California, Aggrieved Employees, and all others similarly situated (collectively the  
28 “Plaintiffs”) and the named Defendants were able to reasonably evaluate their



1 respective positions, and that the settlement appears to be the product of serious,  
2 informed, and non-collusive negotiations.

3         6.     The Court hereby appoints, for settlement purposes, Plaintiffs Jennifer  
4 Machado and Nadia Scurry as the Class Representatives.

5         7.     The court further finds that the Thomas D. Rutledge, Esquire, Aaron  
6 Bartz, Esquire, and Walter L. Haines, Esquire have established adequacy to be  
7 appointed as Class Counsel, counsel for the Aggrieved Employees, and counsel for  
8 the State of California as designated proxies pursuant to the PAGA.

9         8.     The Settlement Class is hereby provisionally certified by this Order for  
10 settlement purposes only and shall constitute all persons who are employed or were  
11 previously employed by Defendants Klap6 Technologies LLC, IEM International,  
12 Inc., Ted Lemcke, Dan Michael, Madhu Beriwal, Kamalnath Nagasubramaniam, and  
13 Naresh Madanlal Kothari (collectively, the “Defendants”) in California from May 16,  
14 2019, to the date of the Court’s entry of this Order.

15         9.     The Aggrieved Employees are defined as all persons who Defendants  
16 employed in California from February 16, 2022, to the date of the Court’s entry of  
17 this Order.

18         10.    The Court approves and appoints Phoenix Settlement Administrators to  
19 serve as the Settlement Administrator (“Administrator”).

20         11.    The Court approves the proposed Class Notice (attached as **Exhibit A** to  
21 **Exhibit 1** of the Declaration of Thomas D. Rutledge filed in support of the Motion),  
22 and orders an appropriately modified version of this Notice to be mailed to Settlement  
23 Class Members and Aggrieved Employees in accordance with the terms of the  
24 Settlement.

25         12.    The Court finds that the Class Notice constitutes the best notice  
26 practicable under the circumstances and is in full compliance with the laws of the  
27 state of California and, to the extent applicable, the United States Constitution and the  
28 requirements of due process.

1           13. The Court further finds that the Class Notice fully and accurately informs  
2 Settlement Class Members of all material elements of the proposed Settlement.

3           14. The Class Notice adequately advises the Class about:

- 4           A. The respective class action;
- 5           B. The settlement terms and the benefits available to each  
6           respective Class Member;
- 7           C. Class Members' right to object and/or to exclude  
8           themselves ("opt out") and the timing and procedures for  
9           doing so;
- 10          D. The conditional certification of the Class for settlement  
11          purposes only;
- 12          E. Preliminary court approval of the proposed settlement;
- 13          F. Timing and procedures for distributing the settlement  
14          funds; and
- 15          G. The date of the Final Approval Hearing and Class  
16          Members' right to submit objections, where to submit  
17          them, how to submit them, and where to appear in  
18          connection with the Final Approval Hearing.

19          15. Accordingly, the Court hereby approves the proposed Class Notice, finds  
20 that mailing to the last known address of Settlement Class Members, as specifically  
21 described within the Settlement Agreement, constitutes an effective method of  
22 notifying Settlement Class Members of their rights with respect to the Settlement.

23          16. The Court further finds that the terms of the settlement as they relate to  
24 the claims arising under the PAGA are fair and reasonable.

25          17. The Court preliminarily approves the PAGA settlement and orders that  
26 the Class Notice shall be issued to the Aggrieved Employees.

27          18. The Court orders that the parties shall comply with all aspects of the  
28 Settlement Agreement.

1           19. The Court orders that any Settlement Class Member who wishes to  
2 request exclusion from the Settlement including excluding themselves from any  
3 monetary relief and associated releases must send the Administrator, by fax, email, or  
4 mail, a written Request for Exclusion by the Response Deadline. A Request for  
5 Exclusion is any written correspondence from a Class Member or his/her  
6 representative that reasonably communicates the Class Member's election to be  
7 excluded from the Settlement of the class action claims and includes the Class  
8 Member's name, address, and email address or telephone number. To be valid, a  
9 Request for Exclusion must be timely faxed, emailed, or postmarked by the Response  
10 Deadline. Aggrieved Employees may not exclude themselves from the Settlement of  
11 the Released PAGA Claims.

12           20. Every Settlement Class Member who does not submit a timely and valid  
13 Request for Exclusion is deemed to be a Settlement Class Member under the  
14 Agreement shall receive all benefits and are bound by all terms and conditions of the  
15 Settlement, including the Settlement Class Members' Releases under Paragraph V of  
16 the Agreement.

17           21. Excluded Settlement Class Members who are Aggrieved Employees are  
18 deemed to release the PAGA claims identified in Paragraph V of the Agreement  
19 during the PAGA Period only and are eligible to receive their respective share of the  
20 proceeds payable to PAGA Distribution component of the Settlement.

21           22. The Court orders that only non-excluded Class Members may object to  
22 the Settlement.

23           23. The Court orders that Settlement Class Members may send written  
24 objections to the Administrator, by fax, email, or mail as described in the Class  
25 Notice. In the alternative, Settlement Class Members may appear in Court (or hire an  
26 attorney to appear in Court) to present verbal objections at the Final Approval  
27 Hearing. A Settlement Class Member who elects to send a written objection to the  
28 Administrator must do within 45 days from when the Class Notice is mailed.



24. The Court orders that excluded Settlement Class Members have no right to object to the Settlement.

25. The Court finds that Class Counsel timely complied with California Labor Code § 2699(s)(2) by submitting the Motion for Preliminary Approval of the Settlement to the Labor Workforce Development Agency concurrently with Plaintiffs' submission to the Court.

26. The Court will hold a Final Approval Hearing at 11/27/25 m. on                     , 2025, in Department 63 of the Superior Court of California, County of San Diego located at 330 West Broadway, San Diego, California 92101, to determine whether the Court should grant final approval of the Settlement as fair, reasonable, and adequate, at which time the Court will hear all evidence and argument necessary to evaluate the Settlement, and will consider Plaintiffs' requests for Class Representative Service Payments, Class Counsel's attorneys' fees and costs, and the Administrator's fee.

27. Each Party retains the right to respond to any objection raised by Settlement Class Members, including the right to file responsive documents in Court no later than five court days before the Final Approval Hearing, or as otherwise ordered or accepted by the Court.

28. The Court expressly reserves the right to adjourn or continue the Final Approval Hearing from time to time without further notice to the Class.

29. Any Settlement Class Member may be heard at the Final Approval Hearing in support of, or in opposition to, the Court's determination of the good faith, fairness, reasonableness and adequacy of the proposed Settlement, the requested attorneys' fees and costs, the requested Class Representative Service Payments, the payment to the Administrator, and any other aspect of the order granting final approval.

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*Order preliminary  
apprehensions*

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

*7/25/05*



Hon. Katherine A. Bacal  
Judge of the Superior Court of California  
County of San Diego