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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA CLARA

19 ANTHONY REINKE and JARRETT CHOW,
20 individually, and on behalf of all others similarly
21 situated,

22 Plaintiffs,

23 v.

24 MGE UNDERGROUND, INC., a California
25 corporation; and DOES 1 through 10, inclusive,

26 Defendants.

Case No.: 22CV403855

Assigned for all purposes to:
Hon. Theodore C. Zayner, Dept. 19

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

PRELIMINARY APPROVAL HEARING

Date: October 8, 2025

Time: 1:30 p.m.

Dept.: 19

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MGE UNDERGROUND, INC.
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1 **[PROPOSED] ORDER**

2 Having reviewed Plaintiffs Jarrett Chow and Daniel Enriquez Ulloa's ("Plaintiffs")
3 Motion for Preliminary Approval of Class Action Settlement ("Motion"), the Declarations of
4 John G. Yslas, Plaintiffs' declarations, the Declaration of Natalie Haritounian, the Declaration
5 of Walter Haines, the Declaration of David Yeremian, and the Class Action and PAGA
6 Settlement Agreement and Class Notice ("Settlement Agreement"), and good cause appearing,
7 the Court finds and orders as follows:

8 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
9 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
10 The Court grants preliminary approval of the Settlement and the Settlement Class based on the
11 terms set forth in the Settlement Agreement between Plaintiffs and Defendant MGE
12 Underground, Inc. ("Defendant" or "MGE Underground"), attached to the Declaration of John
13 G. Yslas in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement
14 as **Exhibit 1**.

15 2. The Settlement falls within the range of reasonableness of a settlement which
16 could ultimately be given final approval by this Court, and appears to be presumptively valid,
17 subject only to any objections that may be raised at the Final Approval Hearing and final
18 approval by this Court. The Court notes that Defendant has agreed to create a common fund of
19 \$2,000,000 to cover (a) settlement payments to Class Members who do not validly opt out; (b)
20 a \$100,000.00 allocation toward civil penalties under the Private Attorneys General Act, 75%
21 of which (\$75,000.00) will be paid to the State of California, Labor & Workforce Development
22 Agency and 25% of which (\$25,000.00) will be paid to eligible Aggrieved Employees; (c) Class
23 Representative service payment of up to \$10,000.00 to each Plaintiff; (d) Class Counsel's
24 attorneys' fees, not to exceed thirty-five percent of the Gross Settlement Amount (i.e.,
25 \$700,000.00), and up to \$40,000.00 in costs for actual litigation expenses incurred by Class
26 Counsel; and (e) Settlement Administration Costs of up to \$14,790.00.

27 3. The Court preliminarily finds that the terms of the Settlement appear to be within
28 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and

1 applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair
2 and reasonable to the Class Members when balanced against the probable outcome of further
3 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
4 significant informal discovery, investigation, research, and litigation have been conducted such
5 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
6 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
7 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as
8 the result of intensive, serious, and non-collusive negotiations between the Parties with the
9 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
10 that the Settlement Agreement was entered into in good faith.

11 4. A final fairness hearing on the question of whether the proposed Settlement,
12 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &
13 Workforce Development Agency for its share of the settlement of claims for penalties under the
14 Private Attorneys General Act, and the Class Representative's enhancement awards should be
15 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set
16 in accordance with the Implementation Schedule set forth below.

17 5. The Court provisionally certifies for settlement purposes only the following class
18 (the "Class"): "all current and former non-exempt, hourly individuals that worked for Defendant
19 MGE Underground, Inc. in the State of California during the Class Period."

20 6. "Class Period" means the period from April 4, 2018 through January 22, 2025.

21 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
22 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
23 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
24 of law and fact that are common, or of general interest, to all Settlement Class Members, which
25 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the
26 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
27 the interests of the Settlement Class Members; and (5) a class action is superior to other
28 available methods for the fair and efficient adjudication of the controversy.

8. The Court appoints as Class Representatives, for settlement purposes only, Plaintiffs. The Court further preliminarily approves Plaintiffs' ability to request an incentive award up to \$10,000.00 each.

9. The Court appoints, for settlement purposes only, John G. Yslas, Jeffrey C. Bils, Aram Boyadjian, Andrew Sandoval, Emily Borman, and Lisa B. Iturriaga of Wilshire Law Firm, PLC; Natalie Haritounian of D.LAW, INC., David Yeremian of David Yeremian & Associates, Inc., and Walter Haines United Employees Law Group, P.C as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-third of the Gross Settlement Amount (i.e., \$700,000.00), and costs not to exceed \$40,000.00.

10. The Court appoints Apex Class Action Administration as the Settlement Administrator with reasonable administration costs estimated not to exceed \$14,790.00.

11. The Court approves, as to form and content the Class Notice, attached to the Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the Notice to Settlement Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

12. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

13. Any Class Member who does not timely and validly request exclusion from the Settlement may object to the Settlement Agreement.

14. The Court orders the following Implementation Schedule:

EVENT:	DEADLINE:
Defendant to provide Class List to the Settlement Administrator	October 23, 2025 – 15 days after MPA hearing
Settlement Administrator to mail the Notice Packets	November 6, 2025 - 14 days after receipt of Class Data

EVENT:	DEADLINE:
Class Member Response Deadline	December 21, 2025 - 45 days after mailing Notice to Class
Class Member Deadline to Object	December 21, 2025 - 45 days after mailing Notice to Class
Deadline for Administrator to Submit Declaration in Support of Motion for Final Approval	December 30, 2025 – 14 days before the last day to file Plaintiff’s Motion for Final Approval, Request for Attorney’s Fees and Costs, and Service Awards to Plaintiff
Deadline to file Motion for Final Approval, Request for Attorney’s Fees and Costs, and Service Awards to Plaintiff	January 13, 2026 - 16 court days before the calendared Final Approval Hearing
Final Approval Hearing	February 5, 2026 at 8:30 a.m. [or _____ at 8:30 a.m.]

15. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

IT IS SO ORDERED.

DATE:

Hon. Theodore C. Zayner
Santa Clara County Superior Court