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FILED
San Diego Superior Court
OCT 23 2026
By: S. Christensen, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO - HALL OF JUSTICE

STEPHEN BARRIER, individually, and on behalf of all others similarly situated,

Plaintiff,

v.

COASTAL TREE CARE, INC., a California corporation; and DOES 1 through 10, inclusive,

Defendant,

Case No.: 37-2023-00017971-CU-OE-CTL

[Assigned for all purposes to the Hon. Judy S. Bae, Dept. C-62]

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

PRELIMINARY APPROVAL HEARING
Date: October 23, 2026
Time: 9:10 a.m.
Dept: C-62

Complaint Filed: April 28, 2023
FAC Filed: September 6, 2023
Trial Date: None set

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[PROPOSED] ORDER

The Court has before it Plaintiff Stephen Barrier's ("Plaintiff") Motion for Preliminary Approval of Class Action Settlement (the "Motion"). Having reviewed the Motion along with the accompanying papers, the Stipulation for Class Action Settlement ("Settlement Agreement"), and good cause appearing, the Court hereby finds and **ORDERS** as follows:

1. The Court finds on a preliminary basis that the Settlement Agreement appears to be fair, just, adequate, and reasonable and therefore meets the requirements for preliminary approval. The Court grants preliminary approval of the Settlement and the Class (as defined below) based upon the terms set forth in the Settlement Agreement between Plaintiff and Defendant Coastal Tree Care, Inc. ("Defendant," and together with Plaintiff, the "Parties"). A true and correct copy of the Settlement Agreement is attached as **Exhibit 1** to the Declaration of Conor J.D. Gomez in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement submitted to the Court on March 17, 2026.

2. The Settlement falls within the range of reasonableness of a settlement which could ultimately be given final approval by this Court, and appears to be presumptively valid, subject only to any objections that may be raised at the final approval hearing and final approval by this Court. The Court notes that Defendant has agreed to create a common fund of $110,000.00 (the "Gross Settlement Amount" to cover (a) settlement payments to Class members who do not validly opt out (the "Settlement Class Members"); (b) a $10,000.00 payment for penalties under the Private Attorneys General Act ("PAGA"), with 75% of which ($7,500.00) being paid to the LWDA (the "LWDA Payment") and 25% ($2,500.00) being paid to eligible "PAGA Employees" (as defined in the Settlement Agreement); (c) an enhancement award of up to $7,500.00 for Plaintiff (the "Enhancement Payment"); (d) Class Counsel's attorneys' fees not to exceed 35% of the Gross Settlement Amount ($38,500.00) (the "Attorney Fees"), and up to $15,000.00 in costs for actual litigation expenses incurred by Class Counsel (the "Costs"); and (e) a payment to ILYM Group, Inc. (the "Settlement Administrator") of up to $10,000.00 (the "Settlement Administration Costs").

3. The Court preliminarily finds that the terms of the Settlement appear to be within

the range of possible approval, pursuant to California Code of Civil Procedure § 382 and applicable law. The Court finds on a preliminary basis that: (1) the Gross Settlement Amount is fair, just, reasonable, and adequate to the Class when balanced against the probable outcome of further litigation relating to class certification, liability and damages issues, and potential appeals; (2) significant informal discovery, investigation, research, and litigation have been conducted such that counsel for the Parties at this time are able to reasonably evaluate their respective positions; (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented by the further litigation; and (4) the proposed Settlement has been reached as the result of adversarial and non-collusive negotiations between the Parties with the assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds that the Settlement Agreement was entered into in good faith.

4. A Final Approval Hearing on the question of whether the proposed Settlement, Class Counsel Fees and Class Counsel Costs, the LWDA Payment for its share of the settlement of claims for penalties under PAGA, and the Class Representative Service Award should be finally approved as fair, just, reasonable and adequate as to the Class is hereby set in accordance with the implementation schedule set forth below.

5. For settlement purposes, the Court provisionally certifies the Class defined as all current and former hourly-paid and/or non-exempt employees employed directly by Defendant who worked for Defendant in the State of California at any time during the Class Period (each "Class Member(s)" collectively the "Class"). The Class Period is the period from November 1, 2018, through October 15, 2024 (the "Class Period"). "PAGA Employees" are defined as all current and former hourly-paid and/or non-exempt employees employed directly by Defendant who worked for Defendant in the State of California at any time during the PAGA Period. The PAGA Period is the period from May 12, 2022, through October 15, 2024.

6. The Court finds, for settlement purposes only, that the Class meets the requirements for certification under California Code of Civil Procedure § 382 in that: (1) the Class Members are so numerous that joinder is impractical; (2) there are questions of law and fact that are common, or of general interest, to all Class Members, which predominate over

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individual issues; (3) Plaintiff's claims are typical of the claims of the Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect the interests of the Class Members; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

7. The Court appoints Plaintiff as Class Representative, for settlement purposes only. The Court further preliminarily approves Plaintiff's ability to request the Enhancement Payment.

8. The Court appoints, for settlement purposes only, Benjamin H. Haber and Daniel J. Kramer of Wilshire Law Firm, PLC as "Class Counsel". The Court further preliminarily approves Class Counsel's ability to request the Attorneys' Fees and Costs.

9. The Court appoints ILYM Group, Inc. as the Settlement Administrator with the Settlement Administrator Payment estimated not to exceed $10,000.00.

10. The Court approves, as to form and content the class notice, attached as **Exhibit A** to the Settlement Agreement (the "Class Notice"). The Court finds on a preliminary basis that plan for distribution of the Class Notice to 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.

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

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

13. The Court orders the following implementation schedule:

Defendant to provide Class List to the Settlement Administrator	Within 14 business days after the Court grants Preliminary Approval of the Settlement
Settlement Administrator to mail the Class Notice	Within 7 days after receipt of the Class List from the Defendant
Response Deadline	45 days after Class Notice is mailed out by the Settlement Administrator

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	15 days additional days for any notices that were resent
Deadline to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Service Award to Plaintiffs	16 court days before hearing on Motion for Final Approval
Final Approval Hearing	May 21, 2027, at 9:10 a.m. in Department C-62. The hearing may be continued to another date without further notice to Class Members.

14. 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.

Dated: 10/23/2026

Hon. Judy S. Bae
Judge of the Superior Court

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