

FILED

MAY 07 2025

Clerk of the Superior Court of California
County of Sonoma

By Maya Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SONOMA**

DAVID LOCKHART, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

HABITAT FOR HUMANITY OF SONOMA
COUNTY, a California corporation; HABITAT
FOR HUMANITY, INC., a Georgia corporation,
and DOES 1 through 10, inclusive,

Defendants.

Case No.: SCV-273164

CLASS ACTION

[Hon. C. M. Honigsberg, Courtroom 18]

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

[Filed with Notice of Motion and Motion,
Memorandum of Points and Authorities, the
Declaration of John G. Yslas, and the
Declaration of Plaintiff David Lockhart]

PRELIMINARY APPROVAL HEARING

Date: May 07, 2025

Time: 3:00 p.m.

Dept: 18

Complaint filed: April 27, 2023

Trial date: Not set

~~PROPOSED~~ ORDER

Having reviewed Plaintiff David Lockhart's Motion for Preliminary Approval of Class Action and PAGA Settlement Agreement ("Motion"), the Declaration of John G. Yslas, Plaintiff's declaration, and the Class Action and PAGA Settlement Agreement and Class Notice ("Settlement Agreement"), and good cause appearing, the Court finds and orders as follows:

1. The Court finds on a preliminary basis that the Settlement Agreement appears to be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval. The Court grants preliminary approval of the Settlement and the Settlement Class based on the terms set forth in the Settlement Agreement between Plaintiff and Defendant Habitat for Humanity of Sonoma County ("Defendant"), attached to the Declaration of John G. Yslas in Support of Plaintiffs' Motion for Preliminary Approval of Class Action and PAGA Settlement Agreement as **Exhibit 1**.

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 to cover (a) settlement payments to Class Members who do not validly opt out; (b) a \$10,000.00 allocation toward civil penalties under the Private Attorneys General Act, 75% of which (\$7,500.00) will be paid to the State of California, Labor & Workforce Development Agency and 25% of which (\$2,500.00) will be paid to eligible Aggrieved Employees; (c) Class Representative service payment of up to \$7,500.00 to Plaintiff; (d) Class Counsel's attorneys' fees, not to exceed 33 1/3% of the Gross Settlement Amount (i.e., \$36,666.66), and up to \$20,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to \$10,000.00.

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 Settlement amount is fair and reasonable to the Class Members when balanced against the probable outcome of further

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

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

15 5. The Court provisionally certifies for settlement purposes only the following class
16 (the "Class"): "all individuals who are or previously were employed by defendants Habitat for
17 Humanity of Sonoma County and Habitat for Humanity International, in California, working at
18 or reporting to 1201 Piner Road, Santa Rosa, CA 95403, who were classified as non-exempt
19 employees during the period October 31, 2018 to January 22, 2024" (the "Class Period")."

20 6. "Class Period" means the period from October 31, 2018 to January 22, 2024.

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) Plaintiffs' claims are typical of the claims of the
26 Settlement Class Members; (4) Plaintiffs 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.

1 8. The Court appoints as Class Representatives, for settlement purposes only,
2 Plaintiff. The Court further preliminarily approves Plaintiffs' ability to request an incentive
3 award up to \$7,500.00.

4 9. The Court appoints, for settlement purposes only, John G. Yslas, Diego Aviles,
5 Harry Erganyan, Mariam Nazaretyan and John Brown of Wilshire Law Firm, PLC as Class
6 Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys'
7 fees of up to one-third of the Total Settlement Amount (i.e., \$36,666.66), and costs not to exceed
8 \$20,000.00.

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

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

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

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

20 14. The Court orders the following schedule:

21

22 Defendant to provide Class List to the	15 days after Court grants preliminary
23 Settlement Administrator	approval
24 Settlement Administrator to mail the Notice	No later than 14 days after receipt of Class
25 Packets	Data
26 Class Member Response Deadline	60 days after sending Notice to Class
27 Class Member Deadline to Object	60 days after sending Notice to Class,

28

1	Deadline for Administrator to Submit Report	5 days after objection deadline
2	Deadline to file Motion for Final Approval,	16 court days before the calendared Final
3	Request for Attorney's Fees and Costs, and	
4	Service Awards to Plaintiff	Approval Hearing
5	Final Approval Hearing	TBD September 10, 2025, at 3:00 p.m. in Department 18

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7 15. The Court further ORDERS that, pending further order of this Court, all

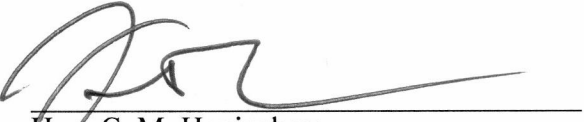
8 proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

9 **IT IS SO ORDERED.**

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12 DATE: May 07, 2025

13 
 14 Hon. C. M. Honigsberg
 15 Sonoma County Superior Court
 16 Hon. Kenneth G. English