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

DEON GENTRY and DEON GENTRY, JR.,
as individuals and on behalf of all others
similarly situated,

Plaintiffs,

vs.

PINNACLE DRIVEAWAY, INC., a
Wyoming corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No. CIVSB2314325

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

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

Date: January 10, 2025
Time: 9:00 a.m.
Dept.: S-26

1 The Motion of Plaintiffs Deon Gentry and Deon Gentry, Jr. (collectively, “Plaintiffs”) for
2 Preliminary Approval of Class Action Settlement (“Motion”) came on regularly for hearing before
3 this Court on January 10, 2025 at 9:00 a.m. a.m. in Department S-26. The Court, having
4 considered the proposed Stipulation of Class Action and PAGA Settlement (the “Settlement”),
5 attached as **Exhibit 1** to the Declaration of Scott M. Lidman filed concurrently with the Motion;
6 having considered Plaintiff’s Motion, Memorandum of Points and Authorities in support thereof,
7 and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE
8 FOLLOWING:

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

16 All current and former drivers classified by Defendant Pinnacle Driveaway,
17 Inc. as independent contractors during the Class Period and: (i) who drove
18 more than 50% of their miles within California; and/or (ii) who did not drive
19 a majority of miles in any single state but were assigned to a California
terminal.

20 2. For purposes of the Settlement, the “Class Period” shall mean the time period
21 between June 23, 2019 and June 30, 2024.

22 3. For purposes of the Settlement, the Court designates named Plaintiff Sergio
23 Rodriguez as Class Representative, and Scott M. Lidman and Milan Moore of Lidman Law,
24 APC and Paul K. Haines of Haines Law Group, APC as Class Counsel.

25 3. The Court designates Phoenix Settlement Administrators (“Phoenix”) as the third-
26 party Settlement Administrator for mailing notices.

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

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

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

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

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

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

23 10. The Final Fairness Hearing on the question of whether the Settlement should be
24 finally approved as fair, reasonable, and adequate is scheduled in Department S-26 of this Court,
25 located at 247 W 3rd St., San Bernardino, California 92408 on _____, 2024 at
26 _____ a.m./ p.m.

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

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

11 13. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to Settlement Administrator	10 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:	_____, 2024

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

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

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IT IS SO ORDERED.

Dated: _____, 2024

Honorable Jessica Morgan
Judge of the Superior Court