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10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 THOMAS CARLL, individually and on behalf of	) NO. 23STCV14372
13 all similarly situated individuals,	)
14 Plaintiffs,	) [Proposed] ORDER GRANTING MOTION
15 v.	) FOR PRELIMINARY APPROVAL
16 BETTER EARTH ELECTRIC, INC., et al.	) Date: July 24, 2024
17 Defendants.	) Time: 11:00 a.m.
	) Dept: SSC7
	)
	)

18 The motion for preliminary approval was heard on July 24, 2024. With good cause
19 appearing and based on the statements and arguments in the motion, the court grants preliminary
20 approval of the settlement and orders the following:

21 1. The court finds the class and PAGA settlement is within the range of reasonableness and
22 appears fair, reasonable, and adequate, and that notice was provided to the Labor and Workforce
23 Development Agency.

24 2. The court conditionally certifies the class as all 590 individuals who worked for Better
25 Earth Electric, Inc. in California as nonexempt employees during the class period from June 21,
26 2019 to the date of preliminary approval. The PAGA aggrieved employees are all nonexempt
27 individuals employed in California at Better Earth Electric, Inc. anytime from June 15, 2022 to the
28 date of preliminary approval. There are 362 PAGA aggrieved employees.

3. The court appoints Thomas Carll as the class representative for the purpose of settlement.
4. The court designates Frontier Law Center as class counsel, which will represent the class members' interests fairly and adequately.
5. The court appoints Phoenix Class Action Administration Solutions as the settlement administrator.
6. The court finds that the proposed notice of settlement and the form, content, and method of dissemination to the class members meets the requirements of due process.
7. Once preliminary approval is granted, Defendant must provide the class data to the settlement administrator within 15 calendar days.
8. Then, the settlement administrator will have 14 days to mail the packets.
9. A class member who wishes to opt out or exclude themselves must do so within 45 days of the settlement administrator's mailing of the notice packets.
10. Class members may submit written objections and appear at the final approval hearing to verbally object to the Settlement.
11. Class members may dispute the allocation of workweeks.
12. Class members who are also PAGA Aggrieved Employees cannot opt out of the PAGA settlement, will also be bound by the PAGA release, and will receive their individual PAGA payments.
13. A hearing for final approval and fairness hearing will be scheduled for approximately three to four months after this motion is granted, or otherwise in accordance with the Court's calendar. The hearing location will be Department 7 of the Los Angeles Superior Court located at 312 N. Spring St., Los Angeles, CA 90012.
14. Uncashed checks will to the go to the cy pres organization Legal Aid At Work.
15. The Settlement Administrator will provide a copy of its invoice with an affidavit regarding administration of Settlement for the fairness hearing.
16. The delineation of the Settlement is the following:
 - a. Gross Settlement Amount: \$1,000,000
 - b. PAGA Penalty Allocation: \$50,000 (75% to LWDA, 25% to aggrieved employees)

- 1 c. Service Enhancement: \$10,000
2 d. \$333,333 for attorney fees
3 e. \$14,750 for attorney costs
4 f. \$10,000 for administration expenses
5 17. This would leave a net settlement amount of \$581,917.00
6 18. Therefore the following deadlines are set by this order:
7 a. Class data to the settlement administrator: 15 days after preliminary approval
8 b. Sending notice to the class members: 14 days after receipt of class data
9 c. Opt-out deadline: 45 days after notice is mailed
10 d. Objection deadline: 45 days after notice is mailed
11 e. For remailed notices: additional 14 days to submit requests to opt out or objections
12 f. Final approval hearing: _____ at 10:00 a.m. in Dept. SSC7.

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14 IT IS SO ORDERED.

15 Date:

16 Hon. Lawrence Riff
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