

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 11/01/2024

TIME: 8:30 AM

DEPT: C-74

JUDICIAL OFFICER: BLAINE K. BOWMAN

CLERK: Kim Mulligan

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: J. Cortes

CASE NO: **37-2023-00030158-CU-OE-CTL** CASE INIT.DATE: 07/18/2023

CASE TITLE: **Iruegas vs Bald Eagle Security Services Inc [E-FILE]**

CASE CATEGORY: Civil CASE TYPE: (U)Other Employment

HEARING TYPE: Motion Hearing

MOVING PARTY:

APPEARANCES

(Clerk's Note: Prior to the hearing, the court is contacted telephonically by counsel and informed that all parties submit on the tentative.)

There are no appearances by any party.

The Court CONFIRMS the tentative ruling as follows:

Plaintiff's unopposed motion for preliminary approval of class and Private Attorneys General Act (PAGA) action settlement is GRANTED. Applying the factors set forth in *Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1796, the court makes a preliminary finding that Plaintiff meets Plaintiff's burden of showing that the settlement is fair, adequate and reasonable. The court also makes a preliminary finding that Plaintiff establishes sufficient grounds for class certification for purposes of settlement. *Dunk*, 48 Cal.App.4th 1807, fn. 19. See also, *Sav-On Drug Stores, Inc. v. Superior Court* (2004) 34 Cal.4th 319. The court sets the motion for final approval/fairness hearing for April 25, 2025, at 8:30am. The court approves the notice.

The court modifies the proposed order to reflect the final approval/fairness hearing date and filing deadlines, and signs the order.

IT IS SO ORDERED.

Blaine K. Bowman

Judge Blaine K. Bowman

FILED
San Diego Superior Court

NOV 01 2024

Clerk of the Superior Court
By: K. Mulligan, Deputy

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Attorneys for Plaintiff and the proposed class

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

OSCAR IRUEGAS, an individual, on behalf
of himself and others similarly situated,

PLAINTIFF,

v.

**BALD EAGLE SECURITY SERVICES,
INC.; and DOES 1 thru 50, inclusive,**

DEFENDANTS.

CASE NO. 37-2023-00030158-CU-OE-CTL

[Case Assigned for All Purposes to Hon. Blaine
K. Bowman in Dept. C-74]

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

Date: November 1, 2024

Time: 8:30 A.M.

Dept.: C-74

Complaint Filed: July 18, 024

FAC Filed: September 25, 2023

Trial Date: None Set

ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

1 The Motion for Preliminary Approval of the Class Settlement came before this Court on
2 November 1, 2024, the Honorable Blaine K. Bowman, presiding. The Court, having considered
3 the papers submitted in support of the motion of the parties, **HEREBY ORDERS THE**
4 **FOLLOWING:**

5 1. The Court grants preliminary approval of the proposed settlement based upon the
6 terms set forth in the Class Action and PAGA Settlement Agreement ("Agreement" or
7 "Settlement") filed herewith. The Agreement appears to be fair, adequate, and reasonable to the
8 Class. The Court finds that: (a) the Agreement resulted from extensive arm's length negotiations;
9 and (b) the Agreement is sufficient to warrant notice of the Agreement to persons in the Class and
10 a full hearing regarding final approval of the Agreement.

11 2. For purposes of this Order, the proposed Class is defined as follows:

12 "All persons who are employed or have been employed as a non-
13 exempt security guard by Defendant in the State of California during
14 the Class Period." ("Class Members" or "Class")

15 3. The Class Period is January 1, 2021 to May 23, 2024.

16 4. For purposes of this Order, the Aggrieved Employees are defined as follows:

17 "All persons who are employees or have been employed
18 as an hourly employee by Defendant in the State of California during
19 the PAGA Period." ("Aggrieved Employees")

20 5. The PAGA Period is July 18, 2022 to May 23, 2024.

21 6. The Agreement falls within the range of reasonableness and appears to be
22 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
23 and final approval by this Court.

24 7. The Court makes the following preliminary findings for settlement purposes only:

25 A. The Class, which consists of approximately 452 persons, is so numerous that
26 joinder of all members is impracticable;

27 B. There appear to be questions of law or fact common to the Class for purposes
28 of determining whether this Settlement should be approved;

C. Plaintiff's claims appear to be typical of the claims being resolved through
the proposed settlement;

1 D. Plaintiff appears to be capable of fairly and adequately protecting the
2 interests of the Class Members in connection with the proposed settlement;

3 E. Common questions of law and fact appear to predominate over questions
4 affecting only individual persons in the Class. Accordingly, the Class
5 appears to be sufficiently cohesive to warrant settlement by representation;
6 and

7 F. Certification of the Class appears to be superior to other available methods
8 for the fair and efficient resolution of the claims of the Class.

9 8. The Court approves, as to form and content, the Notice of Class Action Settlement
10 to Class Members in substantially the form attached to the Agreement as Exhibit "A".

11 9. The Court approves the procedure for Class Members to opt out to the Agreement
12 as set forth in the Agreement and the Notice of Class Action Settlement.

13 10. The Court approves the procedure for Class Members to object to the Agreement
14 as set forth in the Agreement and the Notice of Class Action Settlement.

15 11. The Court directs the mailing of the Notice of Class Action Settlement and related
16 documents to members of the Class by first class mail in accordance with the Agreement and the
17 implementation schedule set forth below. The Court finds that the dates selected for the mailing
18 and distribution of the notice, as set forth in the following implementation schedule, meet the
19 requirements of due process and provide the best notice practicable under the circumstances and
20 shall constitute due and sufficient notice to all persons entitled thereto.

21 12. It is ordered that the settlement Class is preliminarily certified for settlement
22 purposes only.

23 13. The Court confirms Eric B. Kingsley and Kelsey M. Szamet of KINGSLEY
24 SZAMET & LY as Class Counsel.

25 14. The Court confirms Oscar Iruegas as Class Representative.

26 15. The Court approves ILYM Group, Inc. as the Administrator.

27 16. The Court orders that pursuant to the California Private Attorneys General Act,
28 Labor Code §§ 2698, et seq. ("PAGA"), statutory notice of this Agreement has been and will
continue to be given to the Labor & Workforce Development Agency.

17. A final fairness hearing on the question of whether the proposed Agreement, attorneys' fees and costs to Class Counsel, the PAGA payment, and the claims administration costs should be finally approved as fair, adequate, and reasonable as to the members of the Class is scheduled for April 25, 2025 at 8:30 AM (Pacific Time), in Department C-74.

18. The Court orders the following Implementation Schedule for further proceedings:

a.	Preliminary Approval Granted	
b.	Deadline for Defendant to Provide Class Members' Information to Administrator	15 calendar days from Entry of Preliminary Approval
c.	Administrator Shall Mail Notice to Class Members	14 calendar days from receipt of the Class List from Defendant
d.	Deadline for Postmark of Any Request for Exclusion	60 Days from Mailing of Notices
e.	Deadline for Postmark of Any Objection	60 Days from Mailing of Notices
f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	To be determined by the Court PER CODE
g.	Deadline for Class Counsel to file Motion for Attorneys' Fees	To be determined by the Court PER CODE
h.	Final Approval Hearing	<u>April 25, 2025</u>

19. IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the "Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the subject of this Order shall become null, void, unenforceable and inadmissible in any judicial, administrative or arbitral proceeding for any purpose, and all evidence, court orders and proceedings had in connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth in the ("Agreement.

1 20. IT IS FURTHER ORDERED that, pending further Order of this Court, all
2 proceedings in this matter except those contemplated herein and in the Agreement are hereby
3 stayed.

4 21. The Court expressly reserves the right to adjourn or continue the Final Fairness
5 Hearing from time to time without further notice to members of the Class.

6
7 DATED: 11-1-24


JUDGE OF THE SUPERIOR COURT

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9 BLAINE K. BOWMAN
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(PROOF OF SERVICE)
[CCP 1013(a)(3)]
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On July 23, 2024, I served all interested parties in this action the following documents described as: **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

FERRIS & BRITTON A Professional Corporation Elyssa K. Kulas Scott H. Toothacre Michael R. Weinstein Debra L. Barker 501 West Broadway, Suite 1450 San Diego, California 92101 ekulas@ferrisbritton.com stoothacre@ferrisbritton.com mweinstein@ferrisbritton.com dbarker@ferrisbritton.com <i>Attorneys for Defendant</i>	ABRAMSON LABOR GROUP WILLIAM ZEV ABRAMSON Wza@abramsonlabor.com 11846 Ventura Blvd., Suite 100 Studio City, CA 91604 <i>Attorneys for Plaintiff</i>
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[XX] (BY ELECTRONIC SERVICE) I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing ("EF") System (<https://dir.tfaforms.net/315>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

[XX] (BY ELECTRONIC MAIL TRANSMISSION) I caused the document to be sent to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 23, 2024, at Woodland Hills, California.



Michelle Tanzer

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
Central
330 W. Broadway
San Diego CA 92101

SHORT TITLE: IRUEGAS VS BALD EAGLE SECURITY SERVICES INC [E-FILE]

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:
37-2023-00030158-CU-OE-CTL

I certify that I am not a party to this cause. I certify that a true copy of (1) Court's 11/01/2024 Minute Order; (2) Order Granting Preliminary Approval of Class Action and PAGA Settlement was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California on 11/06/2024.

Clerk of the Court, by: K. Mulligan, Deputy

KELSEY M SZAMET
16133 VENTURA BLVD 1200
ENCINO, CA 91436

ELYSSA K KULAS
501 WEST BROADWAY SUITE 1450
SAN DIEGO, CA 92101

CLERK'S CERTIFICATE OF SERVICE BY MAIL