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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA

JOSHUA RICCABONA, individually, and on
behalf of the State of California and other
aggrieved persons,

Plaintiff,

v.

DOLANS OF PINOLE LUMBER AND
BUILDING MATERIALS CO., a California
corporation; DOLANS OF CONCORD, a
California corporation; and DOES 1 through 10,
inclusive,

Defendants.

Lead Case No. C23-02758
Consolidated with Case No. C22-02810

*[Assigned for All Purposes to the Hon.
Edward G. Weil, Dept. 39]*

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

Class Action Filed: December 29, 2022
PAGA Action Filed: October 30, 2023

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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 Dolans of Pinole Lumber and Building Materials Co. and Defendant Dolans of Concord (collectively “Defendants”), attached to the Declaration of John G. Yslas in Support of Plaintiff’s Motion for Preliminary Approval of Class Action and PAGA Settlement as **Exhibit 3**.

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

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

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

16 5. The Court provisionally certifies for settlement purposes only the following class
17 (the "Class"): "all persons who worked for Defendants in California as an hourly-paid or non-
18 exempt employee at any time during the Class Period."

19 6. "Class Period" means the period from December 29, 2018, to December 23, 2024.

20 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
21 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
22 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
23 of law and fact that are common, or of general interest, to all Settlement Class Members, which
24 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the
25 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
26 the interests of the Settlement Class Members; and (5) a class action is superior to other
27 available methods for the fair and efficient adjudication of the controversy.

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8. The Court appoints as Class Representative, for settlement purposes only, Plaintiff Joshua Riccabona. The Court further preliminarily approves Plaintiff's ability to request an incentive award up to \$10,000.00.

9. The Court appoints, for settlement purposes only, John G. Yslas, Jeffrey C. Bils, Emily K. Borman, and Courtney M. Miller of Wilshire Law Firm, PLC, as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one third (1/3) of the Gross Settlement Amount (currently estimated to be \$220,666.67), and litigation costs not to exceed \$47,000.00.

10. The Court appoints ILYM Group Inc. as the Settlement Administrator with reasonable administration costs estimated not to exceed \$7,750.00.

11. The Court approves, as to form and content the Class Notice, attached to the Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the Notice to Settlement 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.

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

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

14. The Court orders the following Implementation Schedule:

Event	Timing
Class Data: Last day for Defendants to provide Class Data to the Administrator	15 days after Class Counsel serves Defense Counsel with the Court's Order Granting Preliminary Approval of the Settlement
Class Notice: Last day for the Administrator to mail the Class Notice to Class Members	14 days after receipt of the Class Data

Response Deadline: Last day for Class Members to submit written objections, challenges to workweeks and/or pay periods, and requests for exclusion	60 days after Class Notice is mailed out by the Administrator (with an additional 14 days for Class Members whose Class Notice was remailed)
Filing Deadline: Last day to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Class Representative Service Payment to Plaintiff	16 court days before the Final Approval Hearing
Final Approval Hearing	_____, 2026, at _____ a.m./p.m. in Dept. 39 of the above-referenced Court.

15. 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.

DATE: _____

HON. EDWARD G. WEIL
JUDGE OF THE SUPERIOR COURT