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Attorneys for Plaintiff Andrew Ruiz  
and Proposed Class Counsel

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

ANDREW RUIZ, on behalf of himself, the  
general public, all similarly situated  
individuals, and all “aggrieved employees”  
pursuant to Labor Code § 2698 *et seq.*

Plaintiff,

v.

ALPHA TEKNOVA, INC., a Delaware  
corporation, and DOES 1 through 10,  
inclusive,

Defendants.

CASE NO: CU-24-00146

*Assigned to the Hon. Omar Rodriguez, Dept. 1*

CLASS ACTION

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

**Date:**

**Time:** \_\_\_\_\_

**Dept.: 1**

*Complaint Filed: June 20, 2024*

The unopposed motion of proposed Plaintiff Andrew Ruiz (“Plaintiff”) for Preliminary Approval of Class and Representative Action Settlement came on for hearing before this Court in Department 1, Judge Omar Rodriguez presiding, on \_\_\_\_\_ at \_\_\_\_ a.m. The Court, having considered the papers submitted in support of the motion and having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

1. The Court grants preliminary approval of the settlement based upon the terms set forth in the proposed Settlement Agreement and Release of Claims (the “Settlement”) filed with the Court. The settlement appears to be fair, adequate, and reasonable to the Class;

1           2.       The Court finds that the settlement falls within the range of reasonableness and  
2 appears to be presumptively valid, subject only to any objections that may be raised at the final  
3 hearing;

4           3.       The Court approves, as to form and content, the Notice of Pendency of Proposed  
5 Class Action Settlement and Final Hearing (the "Notice"), attached to the Settlement as Exhibit 1,  
6 the Request for Exclusion form ("Exclusion Form"), attached to the Settlement as Exhibit 2;

7           4.       The Court directs the mailing of the Notice and the Exclusion Form, by first class  
8 mail to the Settlement Class Members in accordance with the schedule set forth below. The Court  
9 finds that the dates selected for the mailing and distribution of the Notice Packet, as set forth herein,  
10 meet the requirements of due process and provide the best notice practicable under the  
11 circumstances and shall constitute due and sufficient notice to all persons entitled thereto;

12          5.       It is ordered that the Settlement Class is preliminarily certified for settlement  
13 purposes only. The Settlement Class and Aggrieved Employee group are defined as follows: all  
14 current and former employees of Defendant who were employed in California as a non-exempt  
15 employee during the Class Period.

16          6.       The Court approves and appoints Gaines & Gaines, APLC as Class Counsel, and  
17 grants preliminary approval of an award of attorneys' fees of up to 35% of the Gross Settlement  
18 Amount (or \$130,375) and documented litigation costs of up to \$15,000 to Class Counsel, subject  
19 to final approval by the Court following a further motion by Class Counsel;

20          7.       The Court approves and appoints Plaintiff Andrew Ruiz as the Class Representative  
21 and grants preliminary approval to proposed Incentive Award and General Release Payment to  
22 Plaintiff Andrew Ruiz in an amount not to exceed \$15,000, subject to final approval by the Court  
23 following a further motion by the Class Representative;

24          8.       The Court grants preliminary approval of the allocation of \$20,000 to settle the  
25 representative claims under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of  
26 which 75% (\$15,000) shall be paid directly to the LWDA and 25% (\$5,000) shall be paid to  
27 Aggrieved Employees as part of the Net Settlement Proceeds;

1           9.       The Court hereby approves and appoints Phoenix Settlement Administrators as the  
2 Settlement Administrator and grants preliminary approval of the payment of fees and other charges  
3 of the Settlement Administrator in an amount not to exceed \$10,000; and

4           10.      The Court orders the following schedule of dates for the specified actions/further  
5 proceedings:

| <u><b>EVENT</b></u>                                                                                                                                                                                                                                                                                            | <u><b>TIMING</b></u>                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and their dates of employment in a non-exempt position in California during the Class Period ("Settlement Class Information") | 10 calendar days after entry of Court's Order granting preliminary approval of Settlement |
| Last day for Settlement Administrator to mail the Notice and the Exclusion Form to Class Members                                                                                                                                                                                                               | 20 calendar days after entry of Court's Order granting preliminary approval of Settlement |
| Last day for Class Members to submit a written Exclusion Form to the Settlement Administrator                                                                                                                                                                                                                  | 45 calendar days after the initial mailing of the Notice to Class Members                 |
| Last day for Class Members to submit an objection to the Settlement Administrator                                                                                                                                                                                                                              | 45 calendar days after the initial mailing of the Notice to Class Members                 |
| Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs                                                                                                                                                                   | 10 calendar days before the final settlement approval hearing date                        |
| Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice                                                                                                                           | 10 calendar days before the final settlement approval hearing date                        |
| Final settlement approval hearing                                                                                                                                                                                                                                                                              | _____,<br>at _____.m. (approximately 90 days<br>after entry of this Order)                |

23           **IT IS SO ORDERED.**

24  
25 Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT