

FILED

KERN COUNTY SUPERIOR COURT
10/31/2024

BY Fogerson, Vickie
DEPUTY

1 **JUSTICE FOR WORKERS, P.C.**

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7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF KERN**

10
11 JUAN HINOJOS CAMPOS, an individual and
on behalf of all others similarly situated;

12 Plaintiff,

13 vs.

14
15 APPLIED TECHNOLOGY GROUP, INC., a
California corporation; and DOES 1 through
16 50,

17 Defendants.

Case No.: BCV-23-103067-BCB

Assigned for All Purposes:

Hon. Bernard C. Barmann, Jr., Dept. H

18
19 ~~(AMENDED PROPOSED)~~ ORDER
GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

DATE: October 31, 2024

TIME: 8:30 a.m.

DIV.: H

Action Filed: September 11, 2023

Trial Date: Not Set

1 The Motion of Plaintiff Juan Hinojos Campos (“Plaintiff”) for Preliminary Approval of
2 Class Action Settlement came on regularly for hearing before this Court on October 31, 2024 at
3 8:30 a.m. This Court, having considered the proposed Class Action and PAGA Settlement
4 Agreement (the “Settlement”) attached to the Declaration of William C. Sung filed concurrently
5 herein; having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement,
6 Memorandum of Points and Authorities in support thereof, and supporting declarations filed
7 therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set forth
9 in the Settlement and finds on a preliminary basis its terms to be within the range of reasonableness
10 of a settlement that ultimately could be granted approval by the Court at a Final Approval Hearing.

11 2. All defined terms contained herein shall have the same meanings as set forth in the
12 Settlement.

13 3. It appears to the Court on a preliminary basis that the Settlement is fair, adequate,
14 and reasonable as to all potential Class Members when balanced against the probable outcome of
15 further litigation relating to liability and damages issues. It also appears that sufficient investigation,
16 research, and court proceedings have been conducted so that counsel for the parties are able to
17 reasonably evaluate their respective positions. It appears to the Court that settlement at this time
18 will avoid substantial additional costs by all parties, as well as avoid the delay and risks that would
19 be presented by further prosecution of the lawsuit. It also appears that settlement has been reached
20 as a result of intensive, serious, and non-collusive, arms-length negotiations.

21 4. For purposes of the Settlement, the Court finds that the proposed Class is
22 ascertainable and that there is a sufficiently well-defined community of interest among the members
23 of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
24 conditional certification of the following Class:

25 All persons employed by Defendant Applied Technologies, Inc. in California as
26 hourly-paid or non-exempt employees the Class Period of September 11, 2019
through the date of preliminary approval of the Settlement (the “Class Period”),

27 5. The Court finds, for settlement purposes only, that the Class meets the requirement
28 for certification under California Code of Civil Procedure section 382 in that: (1) the class is so

1 numerous that joinder is impractical; (2) there are questions of law and fact that are common to all
2 Class Members which predominate over individualized issues; (3) Plaintiff's claims are typical of
3 the claims of the Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protects
4 the interests of the Class; and (5) a class action is superior to other available methods for the fair
5 and efficient adjudication of the controversy.

6 6. The Court hereby approves the terms and conditions provided for in the Settlement.
7 The parties are ordered to carry out the Settlement according to its terms.

8 7. For purposes of the Settlement, the Court designates named Plaintiff as Class
9 Representative and William C. Sung and Tiffany L. Luu of Justice for Workers, P.C. as Class
10 Counsel. Class Counsel is authorized to act on behalf of the Class with respect to all acts required
11 by, or which may be given, pursuant to the Settlement, and such other acts reasonably necessary to
12 finalize the Settlement and its terms. Any Class Members may enter an appearance through his or
13 her own counsel at such Class Member's own expense. Any Class Member who does not enter an
14 appearance or appear on his or her own behalf will be represented by Class Counsel.

15 8. The Court hereby preliminary approves the Settlement and the Gross Settlement
16 Amount of \$200,000. The Gross Settlement Amount shall cover all anticipated and unanticipated
17 expenses associated with the Settlement including the following items: (1) Class Counsel Fees
18 Payment and Class Counsel Litigation Expenses Payment, (2) Administrator expenses Payment, (3)
19 Individual Class Payment, (4) LWDA PAGA Payment, and (5) Individual PAGA Payments. The
20 Employer's Share of Payroll Taxes shall be paid separately from and in addition to the Gross
21 Settlement Amount.

22 9. The Court designates Phoenix Class Action Administration Solutions as the third-
23 party Administrator for mailing notices.

24 10. The Court approves, as to form and content, the Class Notice attached as Exhibit A
25 to the Settlement.

26 11. The Court finds that the form of notice to the Class regarding the pendency of the
27 action and of the Settlement, and the methods of giving notice to Class Members, constitute the best
28 notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all of

1 the Class Members. The form and method of giving notice complies fully with the requirements of
2 California Code of Civil Procedure section 382, California Civil Code section 1781, California
3 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable
4 law.

5 12. The Court further approves the procedures for the Class Members to opt out of or
6 object to the Settlement, as set forth in the Class Notice.

7 13. The procedures and requirements for filing objections in connection with the Final
8 Approval Hearing are intended to ensure the efficient administration of justice and the orderly
9 presentation of any Class Member's objection to the Settlement in accordance with the due process
10 rights of all members of the Class.

11 14. Any Class Member may choose to be excluded from the Settlement as provided in
12 the Settlement and Class Notice and by following the instructions for requesting exclusion. Any
13 person who timely and properly requests to be excluded from the Settlement will not be bound by
14 the Settlement to have any right to object, appeal, or comment thereon. Any Request for Exclusion
15 must be signed by each such Class Member and must otherwise comply with the requirements
16 delineated in the Class Notice. Class Members who have not requested exclusion by submitting a
17 valid and timely request before the expiration of the Response Deadline shall be bound by all
18 determination of the Court, the Settlement, and the Judgment.

19 15. The Court directs the Administrator to mail the Class Notice to Class Members in
20 accordance with the terms of the Settlement.

21 16. The Class Notice shall provide at least forty-five (45) calendar days' notice for Class
22 Members to opt out of, or object to, the Settlement, extended an additional fourteen (14) days for
23 Class Members whose notices were re-mailed.

24 17. The Final Approval Hearing on the question of whether the Settlement should be
25 finally approved as fair, reasonable, and adequate is scheduled in Bakersfield Division H of this
26 Court, located at ¹²¹⁵ 215 Truxtun Avenue, Bakersfield, California on March 11, 2025 at
27 8:30 a.m./p.m.

28 18. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement

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

6 19. 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, payment to the LWDA, and settlement administration costs,
9 prior to the Final Approval Hearing according to the time limits set by the Code of Civil Procedure
10 and the California Rules of Court.

11 20. An implementation schedule is below:

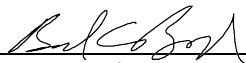
Event	Date
Defendant to provide Class Data to the Administrator no later than [15 calendar days after Preliminary Approval]:	November 15, 2024
Administrator to Notify the Parties that Class Data Received, Number of Class and PAGA Members, and Workweeks [3 business days after receipt of Class Data]	November 20, 2024
Administrator to mail the Class Notice to Class Members and post MPA and Class Notice online no later than [14 calendar days after receiving Class Data]:	November 29, 2024
Deadline for Class Members to request exclusion from, or object to, the Settlement [45 calendar days after mailing] ("Response Deadline"):	January 13, 2025
Extended Response Deadline for Re-Mailed Class Members to request exclusion from, or object to, the Settlement [14 days after Response Deadline]:	January 27, 2025
Administrator to provide list of Exclusions [5 days after expiration of Extended Response Deadline]	February 3, 2025
Deadline for Administrator to provide declaration of due diligence and compliance	14 calendar days before Plaintiff is required to file Motion for Final Approval
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	16 court days before Final Approval Hearing
Final Approval Hearing	<u>March 11</u> , 2025 at <u>8:30</u> a.m./p.m.

1 21. Pending the Final Approval Hearing, all proceedings in this Action, other than
2 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
3 Order, are stayed.

4 22. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
5 connection with the administration of the Settlement which are not materially inconsistent with
6 either this Order or the terms of the Settlement.

7 **IT IS SO ORDERED.**

8
9 DATED: October 31 , 2024



Hon. Bernard C. Barmann, Jr.
Judge of the Superior Court

Signed: 10/31/2024 08:57 AM

PROOF OF SERVICE
JUAN HINOJOS CAMPOS V. APPLIED TECHNOLOGY GROUP, INC.
STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the county of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 9575 Bolsa Ave, Westminster, CA 92683.

On October 4, 2024 I served the foregoing document described as:

(AMENDED PROPOSED) ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail in the State of California addressed as set forth below:

☐ by placing a true copy thereof enclosed in a sealed envelope addressed as stated on the attached mailing list.

☒ by electronically serving the document(s) listed above to:

Vanessa Franco Chavez, Esq.

vchavez@kleinlaw.com

Anna Burnbaum, Esq.

aburnbaum@kleinlaw.com

Paula Davis

pdavis@kleinlaw.com

KLEIN, DENATALE, GOLDNER,

COOPER, ROSENLIB & KIMBALL, LLP

10000 Stockdale Highway, Suite 200

Bakersfield, CA 93311

Attorneys for Defendant Applied

Technology Group, Inc

☐ by having copies **personally delivered to the designed party(ies)**

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on the same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ (State) I declare under penalty of perjury the laws of the State of California that the foregoing is true and correct.

☐ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made

Executed on October 4, 2024 at Westminster, California.



Jessica Le