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[Additional Counsel on Next Page]

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

LETICIA HAYNES, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

TOWER WAV LLC, a California limited
liability company; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: CGC-22-603761

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

Preliminary Approval Hearing:

Date: October 2, 2026

Time: 9:00 a.m.

Dept.: 301

Action Filed: December 30, 2022

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1 **[PROPOSED] ORDER**

2 Having reviewed Plaintiffs Leticia Haynes, Ezell Young, Deborah Hooker, Robert White,
3 Frederick Howard, Angel Howard, Carol Martinez, and David Villatoro's (collectively
4 "Plaintiffs") Motion for Preliminary Approval of Class Action and PAGA Settlement ("Motion"),
5 the supporting Declarations, and the Class Action and PAGA Settlement Agreement ("Settlement
6 Agreement"), and good cause appearing, the Court finds and orders as follows:

7 1. The Court finds on a preliminary basis that the Settlement Agreement appears to be
8 fair, adequate, and reasonable and therefore meets the requirements for preliminary approval. The
9 Court grants preliminary approval of the Settlement and the Settlement Class based on the terms set
10 forth in the Settlement Agreement between Plaintiffs and Defendant Tower Wav, LLC
11 ("Defendant"), attached to the Declaration of John G. Yslas in Support of Plaintiff's Motion for
12 Preliminary Approval of Class Action and PAGA Settlement as **Exhibit 5**.

13 2. The Settlement falls within the range of reasonableness of a settlement which could
14 ultimately be given final approval by this Court, and appears to be presumptively valid, subject only
15 to any objections that may be raised at the Final Approval Hearing and final approval by this Court.
16 The Court notes that Defendant has agreed to create a common fund of \$1,000,000.00 (minus a
17 \$120,000.00 credit) to cover (a) settlement payments to Class Members who do not validly opt out;
18 (b) a \$50,000.00 allocation toward civil penalties under the Labor Code Private Attorneys General
19 Act of 2004 ("PAGA"), 75% of which (\$37,500.00) will be paid to California's Labor and
20 Workforce Development Agency and 25% of which (\$12,500.00) will be paid to Aggrieved
21 Employees; (c) a Class Representative Service Payment of up to \$5,000.00 to each of the named
22 Plaintiffs (\$40,000.00 total); (d) Class Counsel's attorneys' fees, not to exceed one third (1/3) of the
23 Gross Settlement Amount (currently estimated to be \$333,333.33), and up to \$50,000.00 in costs
24 for actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of
25 up to \$31,000.00.

26 3. The Court preliminarily finds that the terms of the Settlement appear to be within the
27 range of possible approval, pursuant to California Code of Civil Procedure section 382 and applicable
28 law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair and reasonable to

1 the Class Members when balanced against the probable outcome of further litigation relating to class
2 certification, liability and damages issues, and potential appeals; (2) significant informal discovery,
3 investigation, research, and litigation have been conducted such that counsel for the Parties at this
4 time are able to reasonably evaluate their respective positions; (3) settlement at this time will avoid
5 substantial costs, delay, and risks that would be presented by the further prosecution of the litigation;
6 and (4) the proposed Settlement has been reached as the result of intensive, serious, and non-collusive
7 negotiations between the Parties with the assistance of a well-respected class action mediator.
8 Accordingly, the Court preliminarily finds that the Settlement Agreement was entered into in good
9 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 LWDA and Aggrieved Employees for
12 their share of the settlement of claims for penalties under PAGA, and the Class Representative
13 Service Payments should be finally approved as fair, reasonable and adequate as to the members of
14 the Class is hereby set in accordance with the Implementation Schedule set forth below.

15 5. The Court provisionally certifies for settlement purposes only the following class (the
16 "Class"): "means all persons currently or formerly employed by Defendant Tower WAV, LLC or its
17 wholly-owned subsidiary, Tower EV, LLC, as hourly-paid, non-exempt employees within the State
18 of California during the Class Period."

19 6. "Class Period" means the period from December 30, 2020, through October 14, 2024.

20 7. "Aggrieved Employees" means all hourly-paid, non-exempt employees who
21 performed work in California and who are or were formerly employed by Defendant Tower
22 WAV, LLC or its wholly-owned subsidiary, Tower EV, LLC, within the State of California
23 from October 18, 2022, through October 14, 2024.

24 8. "PAGA Period" means the period from October 18, 2022, through October 14,
25 2024.

26 9. The Court finds, for settlement purposes only, that the Settlement Class meets the
27 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
28 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions of law

1 and fact that are common, or of general interest, to all Settlement Class Members, which predominate
2 over individual issues; (3) Plaintiffs' claims are typical of the claims of the Settlement Class
3 Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect the interests of the
4 Settlement Class Members; and (5) a class action is superior to other available methods for the fair
5 and efficient adjudication of the controversy.

6 10. The Court appoints as Class Representatives, for settlement purposes only, Plaintiffs
7 Leticia Haynes, Ezell Young, Deborah Hooker, Robert White, Frederick Howard, Angel
8 Howard, Carol Martinez, and David Villatoro. The Court further preliminarily approves Plaintiffs'
9 ability to request a Class Representative Service Award up to \$5,000.00 each.

10 11. The Court appoints, for settlement purposes only, John G. Yslas, Diego Aviles, Harry
11 Erganyan, Mariam Nazaretyan, and Courtney M. Miller of Wilshire Law Firm, PLC; Douglas Han,
12 Shunt Tatavos-Gharajeh, Talia Lux, and Haig Hogdanian of Justice Law Corporation; and Michael
13 Nourmand and James A. De Sario of The Nourmand Law Firm, APC, as Class Counsel. The Court
14 further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one third
15 (1/3) of the Gross Settlement Amount (currently estimated to be \$333,333.33), and costs not to
16 exceed \$50,000.00.

17 12. The Court appoints Phoenix Class Action Administrators as the Settlement
18 Administrator with reasonable administration costs not to exceed \$31,000.00.

19 13. The Court approves, as to form and content the Class Notice attached to the
20 Settlement Agreement as **Exhibit A**. The Court finds on a preliminary basis that plan for distribution
21 of the Class Notice to Settlement Class Members satisfies due process, provides the best notice
22 practicable under the circumstances, and shall constitute due and sufficient notice to all persons
23 entitled thereto.

24 14. The Parties and the Administrator are ordered to carry out the Settlement according
25 to the terms of the Settlement Agreement.

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

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16. The Court orders the following Implementation Schedule:

Event	Timing
Class Data: Last day for Defendant to provide Class Data to the Administrator	21 days after the Court grants Preliminary Approval of the Settlement
Class Notice: Last day for 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 Requests for Exclusion, Objections to the Settlement, and challenges to Workweeks and/or Pay Periods	45 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	_____, 2027, at _____ a.m./p.m. in Dept. 206 of the above-referenced Court

17. 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.

DATED: _____

HON. CHRISTINE VAN AKEN
JUDGE OF THE SUPERIOR COURT