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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF ORANGE**

14 MONICA FERNANDEZ, as an individual;
15 EVA ZAVALA, as an individual; and
16 on behalf of all others similarly situated,

17 Plaintiffs,

18 v.

19 MICHAEL NICHOLAS DESIGNS, a
20 California corporation; and DOES 1 through
21 100, inclusive,

22 Defendants.

Case No. 30-2023-01362788-CU-OE-CXC

*[Assigned for all purposes to the Hon. Layne H.
Melzer, Dept. CX102]*

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

Date: September 4, 2025

Time: 2:00 p.m.

Dept.: CX102

Complaint Filed: November 17, 2023

Trial Date: Not Set

1 The Motion of Plaintiff Monica Fernandez and Plaintiff Eva Zavala (“Plaintiffs”) for
2 Preliminary Approval of Class Action Settlement (“Motion”) came on regularly for hearing before
3 this Court on September 4, 2025 at 2:00 p.m. in Department CX102. The Court, having
4 considered the proposed Class Action and PAGA Settlement Agreement and Class Notice (the
5 “Settlement”), attached as **Exhibit 3** to the Declaration of Milan Moore filed concurrently with
6 the Motion for Preliminary Approval of Class Action Settlement; having considered Plaintiffs’
7 Motion, Memorandum of Points and Authorities in support thereof, and supporting declarations
8 filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set
10 forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement
11 that ultimately could be granted approval by the Court at a Final Fairness Hearing. For purposes
12 of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that
13 there is a sufficiently well-defined community of interest among the members of the Settlement
14 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
15 conditional certification of the following Settlement Class:

16 All individuals who worked as non-exempt employees of Defendants
17 Michael Nicholas Designs, LLC and/or Michael Nicholas Designs, Inc. in
18 California at any time during the Class Period.

19 For purposes of this Settlement Agreement, the “Class Period” shall mean
20 the period of time starting on March 23, 2021 and ending on June 30, 2025
21 or the date that the Court enters an order preliminarily approving the
22 Settlement, whichever is sooner.

23 Additionally, for the purposes of this settlement only, Aggrieved Employees or PAGA
24 Members shall be defined as:

25 All individuals worked as non-exempt employees of Defendants Michael
26 Nicholas Designs, LLC and/or Michael Nicholas Designs, Inc. in California
27 at any time during the PAGA Period.

28 The PAGA Period means the period of time starting on November 17, 2022
and ending on June 30, 2025 or the date that the Court grants preliminary
approval of the settlement, whichever is sooner.

2. For purposes of the Settlement, the Court designates named Plaintiff Monica Fernandez and Plaintiff Eva Zavala as Class Representatives, and Scott M. Lidman, Milan Moore, and Tiara Gose-Hardy of Lidman Law, APC and Paul K. Haines of Haines Law Group, APC as Class Counsel.

3. The Court conditionally designates Phoenix Settlement Administrators (“PSA”) as the third-party Settlement Administrator for mailing notices.

4. The Court approves, as to form and content, the following documents to be mailed to the Settlement Class in both English and Spanish:

- a. Court Approved Notice of Class Action Settlement and Hearing Date for Final Court Approval attached hereto as **Exhibit A**;
- b. Allocation Form attached hereto as **Exhibit B**;
- c. Request for Exclusion Form attached hereto as **Exhibit C**; and
- d. Objection Form attached hereto as **Exhibit D**.

5. The Court finds that the form of notice to the Settlement Class regarding the pendency of the action and of the Settlement, and the methods of giving notice to Settlement Class members constitute the best notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all members of the Settlement Class. The form and method of giving notice complies fully with the requirements of California Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

6. The Court further approves the procedures for Settlement Class members to opt out of or object to the Settlement, as set forth in the Court Approved Notice of Class Action Settlement and Hearing Date for Final Court Approval.

7. The procedures and requirements for filing objections in connection with the Final Fairness Hearing are intended to ensure the efficient administration of justice and the orderly presentation of any Settlement Class member’s objection to the Settlement, in accordance with the due process rights of all Settlement Class members.

1 8. The Court directs the Settlement Administrator to mail the Court Approved Notice
2 of Class Action Settlement and Hearing Date for Final Court Approval to all of the Class members
3 in accordance with the terms of the Settlement.

4 9. The Class Notice shall provide at least 60 calendar days' notice for Settlement
5 Class members to dispute, opt out of, or object to, the Settlement.

6 10. The Final Fairness Hearing on the question of whether the Settlement should be
7 finally approved as fair, reasonable, and adequate is scheduled in Department CX102 of the
8 above-entitled Court, located at 751 W. Santa Ana Boulevard, Santa Ana, CA 92701 on January
9 30, 2026 at _____ a.m. / p.m.

10 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
11 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
12 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiffs'
13 application for reasonable attorneys' fees, reimbursement of litigation expenses, service award to
14 Plaintiffs, and payment to the Labor and Workforce Development Agency ("LWDA") for
15 penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

16 12. Counsel for the parties shall file memoranda, declarations, or other statements and
17 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
18 expenses, Plaintiffs' service award, settlement administration costs, and payment to the LWDA
19 for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code
20 of Civil Procedure and the California Rules of Court.

21 13. An implementation schedule is below:

Event	Date
Defendants to provide Class Data to Settlement Administrator	20 calendar days after the Court enters an order granting preliminary approval.
Settlement Administrator to mail Notice Packets to Class Members	14 calendar days after receiving Class Data from Defendant
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	60 calendar days after mailing of the Notice by the Settlement Administrator

Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement (and to respond to any objections):	16 Court days before the Final Fairness Hearing (January 7, 2026)
Final Fairness Hearing:	January 30, 2026

15. Pending the Final Fairness Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

16. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

Dated: _____, 2025

Honorable Layne H. Melzer
Judge of the Superior Court