

1 Robert Drexler (SBN 119119)
Robert.Drexler@CapstoneLawyers.com
2 Jonathan Lee (SBN 267146)
Jonathan.Lee@CapstoneLawyers.com
3 Capstone Law APC
4 1875 Century Park East, Suite 1860
Los Angeles, California 90067
5 Telephone: (310) 556-4811
Facsimile: (310) 943-0396
6

7 **Mayall Hurley, P.C.**
Vladimir J. Kozina (SBN: 284645)
8 vjkozina@mayallaw.com
Robert J. Wassermann (SBN: 258538)
9 rwasserman@mayallaw.com
William J. Gorham, III (SBN: 151773)
10 wgorham@mayallaw.com
11 112 S. Church Street
Lodi, California 95240
12 Telephone: (209) 477-3833
Facsimile: (209) 473-4818
13

14 Attorneys for Plaintiffs Michael Monteleone and Teresa Maciel

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN JOAQUIN

17 MICHAEL MONTELEONE, individually, and on
18 behalf of other members of the general public
similarly situated, and as an aggrieved employee
19 pursuant to the Private Attorneys General Act
("PAGA"),

20 Plaintiff,

21 vs.
22

23 SCHELL & KAMPETER, INC., a Missouri
corporation, and DOES 1 through 10, inclusive,
24

25 Defendants.
26
27
28

Case No.: STK-CV-UOE-2023-0011330

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

Date:
Time: 9:00 a.m.
Dept: 10C

1 Plaintiffs Michael Monteleone’s and Teresa Maciel’s (“Plaintiffs”) Motion for Preliminary
2 Approval of Class Action Settlement (“Motion for Preliminary Approval”) came on for hearing on
3 _____, 2025, at 9:00 a.m. in Department 10C of the above-captioned court, before the
4 Honorable Jayne Lee. The Court, having fully and carefully reviewed Plaintiffs’ Motion for
5 Preliminary Approval, the memorandum and declarations in support thereof, and the Settlement
6 Agreement including the proposed Class Notice, hereby makes the following determinations and
7 orders¹:

8 1. Plaintiffs’ Motion for Preliminary Approval of Class Action and PAGA Settlement is
9 GRANTED.

10 2. Plaintiffs Michael Monteleone and Teresa Maciel are preliminarily appointed as Class
11 Representatives.

12 3. Capstone Law APC and Mayall Hurley P.C. are preliminarily approved and appointed
13 as Class Counsel.

14 4. ILYM Group, Inc. is appointed as the Settlement Administrator and shall administer the
15 Settlement in accordance with the terms set forth in the Settlement Agreement and perform the
16 functions set forth therein. The Court also preliminarily approves declared fees and costs of
17 administering the Settlement of up to \$6,950.

18 5. The Class of employees covered by the Parties’ Settlement consists of the following:

19 All current and former non-exempt employees of Defendant Schell & Kampeter,
20 Inc. (“Defendant”) who worked in California at any time from July 2, 2022,
21 through May 23, 2025.

22 6. Pursuant to California Civil Procedure section 382, and for purposes of settlement only,
23 the Class is preliminarily certified. The Class is estimated to include approximately 454 individuals.

24 7. The Court grants preliminary approval of the Settlement between Plaintiffs and
25 Defendant based upon the terms set forth in the Settlement Agreement. The Settlement Agreement
26
27

28 ¹ All terms used in this Order Granting Preliminary Approval of Class Action Settlement (the “Order”) shall have
the same meanings given those terms in the Parties’ Joint Stipulation and Settlement Agreement (“Settlement Agreement”,
“Settlement”, or “SA”), a copy which is attached as **Exhibit 1** to the Declaration of Vladimir J. Kozina.

appears to be fair, adequate, and reasonable, and the Court preliminarily approves the terms of the Settlement Agreement.

8. The Court approves, as to form and content, the Class Notice, in substantially the form attached hereto as **Exhibit 1**. The Court further approves the procedure by which Class Members may opt out of, and to object to, the Settlement as set forth in the Settlement Agreement and the Class Notice.

9. The Court directs the mailing of the Class Notice in accordance with the terms of the Settlement Agreement and on the schedule set forth below. The Court finds the dates selected for the mailing and distribution of the Class Notice, as set forth below, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

10. Subject to further consideration by the Court at the time of the Final Approval Hearing, the proposed PAGA allocation and payment to the LWDA is preliminarily approved.

11. Subject to further consideration by the Court at the time of the Final Approval Hearing, the proposed Enhancement Payments of \$10,000 each to Plaintiffs Monteleone and Maciel for their service as Class Representatives are preliminarily approved.

12. Subject to further consideration by the Court at the time of the Final Approval Hearing, Class Counsel's request of attorneys' fees in the amount of \$227,500 and declared costs of up to \$30,000 is preliminarily approved.

13. The Court adopts the following dates and deadlines:

Defendant to provide Class List to the Settlement Administrator.	Within 15 calendar days of the Court's execution of the Order Granting Preliminary Approval.
Settlement Administrator to mail Class Notice.	Within 30 calendar days of the Court's execution of the Order Granting Preliminary Approval.
Deadline for Class Members to object to, or opt out of, the Settlement.	Within 45 calendar days after Notice mailed
Deadline for Plaintiff to file Motions for Final Approval, Attorneys' Fees, Costs, and Service Payments	Not less than 16 court days before the Final Approval hearing.
Final Approval Hearing.	Not less than 100 days after the Court's execution of the Order Granting Preliminary Approval.

1 14. Subject to the right of any Settlement Class Member to timely and validly opt out from
2 the Release of Class Claims in this Settlement, all Settlement Class Members are hereby temporarily
3 enjoined from prosecuting any Released Claim against any Released Party pending Final Approval of
4 the Settlement.

5 15. A Final Approval hearing on the question of whether the proposed Settlement,
6 attorneys' fees to Class Counsel, and the Class Representatives' Service Payments should be finally
7 approved as fair, reasonable and adequate is scheduled for _____ at 9:00 a.m.
8 in Department 10C of the above-captioned Court. The parties to the Agreement are directed to carry
9 out their obligations under the Settlement Agreement.

10
11 Dated: _____

12 _____
13 JUDGE OF THE SUPERIOR COURT

14 4912-2472-3575.1 / 124683.1001
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PROOF OF SERVICE

I, the undersigned, certify and declare as follows:

I am over the age of eighteen years and not a party to this action. My business address is 112 S. Church St., Lodi, California 95240, that is located in the county where the delivery below took place.

On November 5, 2025, I served the following document:

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

addressed to:

Robert Drexler
Jonathan Lee
Robert Myong
Capstone Law APC
1875 Century Park East, Suite 1000
Los Angeles, CA 90067
Email: Robert.Drexler@CapstoneLawyers.com;
Jonathan.Lee@CapstoneLawyers.com;
Robert.Myong@CapstoneLawyers.com;
raul.perez@capstonelawyers.com;
eduardo.santos@capstonelawyers.com;
ryan.wu@capstonelawyers.com;
Sophia.Flores@capstonelawyers.com

*Attorneys for Plaintiffs Michael Monteleone and
Teresa Maciel*

John P. Nordlund
Christopher Moore
LITTLER MENDELSON, P.C.
501 W. Broadway, Suite 900
San Diego, CA 92101-3577
Email: jnordlund@littler.com;
CAMoore@littler.com;
LChristy@littler.com
*Attorneys for Defendant SCHELL &
KAMPETER, INC.*

☒ **BY EMAIL:** In accordance with Code of Civil Procedure Section 1010.6, and per the agreement of the parties to accept service by email, on the date specified below, I caused a copy of the document described above to be sent to the person(s) at the e-mail address(es) listed above. My business e-mail address is jzeyen@mayallaw.com.

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

Executed on November 5, 2025, at Lodi, California.


JULIE ZEYEN