

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

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

10 ERIC ECHEVERRIA, an individual and on
11 behalf of all others similarly situated;

12 Plaintiff,

13 vs.

14 FIRECLAY TILE, INC., a Delaware
15 corporation; and DOES 1 through 50,

16 Defendants.

Case No.: CU-23-00249

[Assigned for All Purposes to:
Hon. J. Omar Rodriguez, Dept. 1]

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

DATE: To be assigned
TIME: To be assigned
DEPT.: 1

Action Filed: November 3, 2023
Trial Date: Not Set

1 The Motion of Plaintiff Eric Echeverria (“Plaintiff”) for Preliminary Approval of Class
2 Action Settlement came on regularly for hearing before this Court on _____ at
3 ____ a.m./p.m. This Court, having considered the proposed Stipulation of Settlement (the
4 “Settlement”) attached to the Declaration of William C. Sung filed concurrently herein; having
5 considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, Memorandum
6 of Points and Authorities in support thereof, and supporting declarations filed therewith; and good
7 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 its terms to be within the range of reasonableness of a settlement that
10 ultimately could be granted approval by the Court at a Final Approval Hearing. For purposes of the
11 Settlement, the Court finds that the proposed Class is ascertainable and that there is a sufficiently
12 well-defined community of interest among the members of the Class in questions of law and fact.
13 Therefore, for settlement purposes only, the Court grants conditional certification of the following
14 Class:

15 All persons employed by Defendant Fireclay Tile, Inc. in California and classified as
16 a non-exempt, hourly employee and who worked for Defendant between November
17 3, 2019 to July 3, 2024 (the “Class Period”),

18 2. For purposes of the Settlement, the Court designates named Plaintiff as Class
19 Representative and William C. Sung and Tiffany L. Luu of Justice for Workers, P.C. as Class
20 Counsel.

21 3. The Court designates Apex Class Action, LLC as the third-party Administrator for
22 mailing notices.

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

25 5. The Court finds that the form of notice to the Class regarding the pendency of the
26 action and of the Settlement, and the methods of giving notice to Class Members, constitute the best
27 notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all of
28 the Class Members. 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 the Class Members to opt out of or object to the Settlement, as set forth in the Class Notice.

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

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

9. The Class Notice shall provide at least sixty (60) calendar days' notice for Class Members to opt out of, or object to, the Settlement.

10. The Final Approval Hearing on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in Department 1 of this Court, located at 450 Fourth Street, Hollister, California on _____, 2024/2025 at ____ a.m./p.m.

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

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

13. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to the Administrator no later than [21 calendar days after Preliminary Approval]:	
Administrator to mail the Class Notice to Class Members no later than [14 calendar days after receiving Class Data]:	
Deadline for Class Members to request exclusion from, or object to, the Settlement [60 calendar days after mailing]:	
Deadline for Administrator to provide declaration of due diligence and compliance [14 calendar days after opt-out/objection deadline]:	
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	16 court days before Final Approval Hearing
Final Approval Hearing	_____, 2024/2025 at _____ a.m./p.m.

14. Pending the Final Approval 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.

15. 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: _____, 2024

Hon. J. Omar Rodriguez
Judge of the Superior Court