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CESAR GUILLEN HERNANDEZ

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF ORANGE**

CESAR GUILLEN HERNANDEZ,  
individually and on behalf of others similarly  
situated, and as an aggrieved employee and  
Private Attorney General;

Plaintiff,

vs.

SIMPSON CHEVROLET OF IRVINE, a  
Delaware corporation; and DOES 1 through  
50, inclusive,

Defendants.

Case No.: 30-2024-01376148-CU-OE-CXC

*Assigned for All Purposes to: Hon. William D.  
Claster, Dept. CX-101*

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

Date: December 20, 2024  
Time: 9:00 A.M.  
Dept: CX-101

Reservation No.: 74428864

Complaint Filed: January 25, 2024  
Trial Date: Not set

**[PROPOSED] ORDER**

The Motion of Plaintiff Cesar Guillen Hernandez (“Plaintiff”) for Preliminary Approval of Class Action Settlement (“Motion”) came regularly for hearing before this Court on December 20, 2024, at 9:00 A.M. The Court, having considered the proposed Joint Stipulation of Class Action and PAGA Settlement Agreement (“Settlement Agreement”) attached as **Exhibit 2** to the Declaration of Heather Davis in Support of Plaintiff’s Motion for Preliminary Approval (“Davis Decl.”). Having considered Plaintiff’s Motion for Preliminary Approval of Class Action and PAGA Settlement, memorandum of points and authorities in support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing. All terms used herein shall have the same meaning as defined in the Settlement Agreement. For purposes of the Settlement only, the Court finds that the proposed Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following settlement Class:

All current and former hourly-paid or non-exempt employees employed by Simpson Chevrolet of Irvine within the state of California at any time between January 25, 2020, and October 29, 2024.

2. For purposes of the Settlement only, the Court designates Plaintiff Cesar Guillen Hernandez as Class Representative, and designates Protection Law Group, LLP as Class Counsel.

3. The Court designates Phoenix Class Action Administration Solutions (“Phoenix”) as the third-party Settlement Administrator.

4. The Parties are ordered to implement the Settlement according to the terms of the Settlement Agreement.

5. The Court approves, as to form and content, the Class Settlement Notice (“Class Notice”) attached as **Exhibit 4** to the Supplemental Declaration of Heather Davis in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement.

1           6.       The Court approves, as to form and content, the Request for Exclusion Form and  
2       Objection Form attached as Exhibits B-C to the Settlement Agreement. The Class Notice, Request  
3       for Exclusion Form, and Objection Form are collectively referred to as the “Notice Packet”.

4           7.       The Court finds that the form of notice to the Class as regarding the pendency of  
5       the action and of the Settlement, the dates selected for mailing and distribution, and the methods  
6       of giving notice to members of the Class, satisfy the requirements of due process, constitute the  
7       best notice practicable under the circumstances, and constitute valid, due, and sufficient notice to  
8       all members of the Class. The form and method of giving notice complies fully with the  
9       requirements of California Code of Civil Procedure § 382, California Civil Code § 1781,  
10      California Rules of Court §§ 3.766 and 3.769, the California and United States Constitutions, and  
11      other applicable law.

12          8.       The Court further approves the procedures for Class Members to opt-out of or  
13      object to the Settlement, as set forth in the Notice Packet and the Settlement Agreement. The  
14      procedures and requirements for filing objections in connection with the final fairness hearing are  
15      intended to ensure the efficient administration of justice and the orderly presentation of any Class  
16      Member’s objection to the Settlement, in accordance with the due process rights of all Class  
17      Members.

18          9.       The Court directs the Settlement Administrator to mail the Notice Packet to the  
19      members of the Class in accordance with the terms of the Settlement.

20          10.      The Notice Packet shall provide 60 calendar days’ notice for Class Members to  
21      submit disputes, opt-out of, or object to the Settlement.

22          11.      The hearing on Plaintiff’s Motion for Final Approval of Settlement on the question  
23      of whether the Settlement should be finally approved as fair, reasonable, and adequate is  
24      scheduled in Department CX-101 of this Court, located at 751 West Santa Ana Boulevard, Santa  
25      Ana, California 92701, on \_\_\_\_\_, 2025, at \_\_\_\_\_ A.M./P.M..

26          12.      At the Final Fairness hearing, the Court will consider: (a) whether the Settlement  
27      should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment  
28      granting final approval of the Settlement should be entered; and (c) whether Plaintiff’s application

for an Incentive Payment to the Class Representative, Settlement Administration Costs, and Class Counsel's attorney's fees and costs, should be granted.

13. Counsel for the Parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of Plaintiff's application for Incentive Payment to the Class Representative, Settlement Administration Costs, and Class Counsel's attorneys' fees and costs, prior to the hearing on Plaintiff's Motion for Final Approval of Settlement according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

14. An implementation schedule is below:

| Event                                                                                                      | Date                                                    |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| Defendant to provide class contact and tax rate information to the Settlement Administrator no later than: | <br>[14 days following preliminary approval]            |
| Settlement Administrator to mail the Notice Packet to the Class no later than:                             | <br>[7 days following provision of contact information] |
| Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:        | <br>[60 calendar days after mailing of the Notice]      |
| Deadline for Plaintiff to file Motion for Final Approval of Class Action and PAGA Settlement:              | <br>[16 court days before the Final Approval Hearing]   |
| Hearing on Motion for Final Approval of Settlement:                                                        | <br>_____ at<br>_____ a.m./p.m.                         |

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. To facilitate administration of the Settlement pending final approval, the Court

1 hereby enjoins Plaintiff and all members of the Class from filing or prosecuting any claims, or  
2 suits regarding claims released by the Settlement, unless and until such Class Members have filed  
3 valid Requests for Exclusion with the Settlement Administrator.

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

7  
8 **IT IS SO ORDERED.**

9  
10 DATED: \_\_\_\_\_, 2025

11 By: \_\_\_\_\_  
12 HON. WILLIAM D. CLASTER  
13 JUDGE OF THE SUPERIOR COURT  
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