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Attorneys for Plaintiff Bernardo Duran,  
on behalf of himself all others similarly situated,  
the general public, and all “aggrieved employees”  
pursuant to Labor Code § 2698 *et seq.*,

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF IMPERIAL**

BERNARDO DURAN, on behalf of  
himself all others similarly situated, the  
general public, and all “aggrieved  
employees” pursuant to Labor Code § 2698  
*et seq.*,

Plaintiff,

v.

J.S. HOMEN TRUCKING, INC., a  
California corporation, and DOES 1 through  
10, inclusive,

Defendants.

CASE NO: ECU004017

*Assigned to the Hon. L. Brooks Anderholt, Dept. 9*

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

**Date: July 21, 2025**

**Time: 8:30 a.m.**

**Dept.: 9**

*Complaint Filed: March 25, 2025*

1 The unopposed motion of proposed Plaintiff Bernardo Duran (“Plaintiff”) for Preliminary  
2 Approval of Class and Representative Action Settlement came on for hearing before this Court in  
3 Department 9, Judge L. Brooks Anderholt presiding, on July 21, 2025 at 8:30 a.m. The Court,  
4 having considered the papers submitted in support of the motion and having heard oral argument  
5 of the parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set  
7 forth in the proposed Joint Stipulation and Settlement Agreement of Class Action and PAGA  
8 Claims (the “Settlement”) filed with the Court. The settlement appears to be fair, adequate, and  
9 reasonable to the Class;

10 2. The Court finds that the settlement falls within the range of reasonableness and  
11 appears to be presumptively valid, subject only to any objections that may be raised at the final  
12 hearing;

13 3. The Court approves, as to form and content, the Notice of Pendency of Proposed  
14 Class Action Settlement and Final Hearing (“Notice”), attached to the Settlement as Exhibit 1;

15 4. The Court directs the mailing of the Notice by first class mail to the Settlement Class  
16 Members in accordance with the schedule set forth below. The Court finds that the dates selected  
17 for the mailing and distribution of the Notice, as set forth herein, meet the requirements of due  
18 process and provide the best notice practicable under the circumstances and shall constitute due  
19 and sufficient notice to all persons entitled thereto;

20 5. It is ordered that the Settlement Class is preliminarily certified for settlement  
21 purposes only. The Settlement Class is defined as follows: all non-exempt employees of Defendant  
22 J.S. Homen Trucking, Inc. in California at any time between April 16, 2022 and April 30, 2025;

23 6. The Court approves and appoints Gaines Law Corporation as Class Counsel, and  
24 grants preliminary approval of an award of attorneys’ fees of up to 35% of the Gross Settlement  
25 Amount (or \$23,100) and documented litigation costs of up to \$6,000 to Class Counsel, subject to  
26 final approval by the Court following a further motion by Class Counsel;

27 7. The Court approves and appoints Plaintiff Bernardo Duran as the Class  
28 Representative and grants preliminary approval to proposed Enhancement Award to Plaintiff

Bernardo Duran in an amount not to exceed \$1,500, subject to final approval by the Court following a further motion by the Class Representative;

8. The Court grants preliminary approval of the allocation of \$6,000 to settle the representative claims under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$4,500) shall be paid directly to the LWDA and 25% (\$1,500) shall be distributed to the PAGA Employees as PAGA Employee Payments;

9. The Court hereby approves and appoints Phoenix Settlement Administrators as the Settlement Administrator and grants preliminary approval of the payment of fees and other charges of the Settlement Administrator in an amount not to exceed \$5,250; and

10. The Court orders the following schedule of dates for the specified actions/further proceedings:

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| <b><u>EVENT</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b><u>TIMING</u></b>                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including the full name, telephone number, and last known address and full social security number of all Class Members; the information necessary to determine the estimated settlement allocation to each Class Member, including: (i) the total number of Workweeks of each Class Member in California in an hourly-paid or non-exempt position within the Class Period; and (ii) the total number of Workweeks of each PAGA Employee in California in an hourly-paid or non-exempt position within the PAGA Period (“Settlement Class Information”) | 20 calendar days after entry of Court’s Order granting preliminary approval of Settlement |
| Last day for Settlement Administrator to mail Notice of Proposed Settlement (“Notice”) to Class Members                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 10 calendar days after Settlement Administrator’s receipt of the Class Member List        |
| Last day for exclusion requests by Class Members to be postmarked to the Settlement Administrator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 45 calendar days after the initial mailing of the Notice to Class Members                 |
| Last day for objections to the Settlement by Class Members to be postmarked to the Settlement Administrator                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 45 calendar days after the initial mailing of the Notice to Class Members                 |
| Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys’ fees and costs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 10 calendar days before the final settlement approval hearing date                        |
| Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 10 calendar days before the final settlement approval hearing date                        |
| Final settlement approval hearing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | _____, 2025,<br>at _____ (approximately 100 days<br>after entry of this Order)            |

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT