

Joseph Lavi, Esq. (SBN 209776)
 jlavi@lelawfirm.com
 Vincent C. Granberry, Esq. (SBN 276483)
 vgranberry@lelawfirm.com
 James Clark, Esq. (SBN 349799)
 jclark@lelawfirm.com
LAVI & EBRAHIMIAN, LLP
 8889 W. Olympic Blvd., Suite 200
 Beverly Hills, California 90211
 Telephone: (310) 432-0000
 Facsimile: (310) 432-0001

FILED
 SUPERIOR COURT OF CA, COUNTY OF KERN

APR 11 2025

BY  DEPUTY

Attorneys for Plaintiff MARKIA SCOTT,
 on behalf of herself and others similarly situated

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

MARKIA SCOTT, on behalf of herself and
 others similarly situated,

Plaintiff,

vs.

PTS ADVANCE; HERMAN WEISSKER,
 INC.; BAKERSFIELD RENEWABLE
 FUELS, LLC; and DOES 1 to 100, inclusive,

Defendants.

Case No.: BCV-24-100662

CLASS & PAGA ACTION

*[Assigned for all purposes to the Hon. Thomas S.
 Clark, Dept. 17]*

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

*[Filed concurrently with Notice of Motion and
 Motion for Preliminary Approval of Class Action
 Settlement; Declaration of James Clark in
 Support Thereof]*

Hearing Information:

Date: April 11, 2025

Time: 8:30 a.m.

Dept.: 17

The Motion for Preliminary Approval of a Settlement came before this Court on April 11, 2025, at 8:30 a.m., in Department 17 of Kern County Superior Court located at 1415 Truxtun Avenue, Bakersfield, CA, 93301. The Court, having considered the proposed Class Action and PAGA Settlement Agreement and Class Notice entered into by and between Plaintiff Markia Scott ("Plaintiff") and Defendant PTS Advance ("Defendant" or "PTS") attached as **Exhibit 1** to the Declaration of James Clark in Support of Plaintiff's Motion for Preliminary Approval of Class


[PROPOSED] ORDER

1 Action Settlement, and the Exhibits attached thereto (hereafter collectively, the “Settlement” or
2 “Settlement Agreement”); having considered the Motion for Preliminary Approval of Class Action
3 Settlement filed by the parties; having considered the respective points and authorities and
4 declarations submitted by the parties in support thereof; and good cause appearing, HEREBY
5 ORDERS THE FOLLOWING:

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

13 Class means and refers to two subsets of employees, including (1) all current and former
14 non-exempt PTS employees (including regular employees and those staffed by PTS at a
15 third-party) who worked at any time during the Class Period at the Kern County facility in
16 Bakersfield that is referenced in the complaints in the Action regardless of when those
17 employees were originally onboarded/hired by PTS (“Kern County Facility Class”); and (2)
18 all current and former non-exempt employees of PTS in California during the Class Period
19 that performed new hire trainings or other onboarding/new hire related activities
20 (“California Class”).

21 1. The “Class Period” is the period from February 26, 2020, through February 19, 2025.

22 2. “Aggrieved Employee” means and refers to two subsets of aggrieved employees,
23 including (1) all current and former non-exempt PTS employees (including regular employees and
24 those staffed by PTS at a third-party) who worked at any time during the PAGA Period at the Kern
25 County facility in Bakersfield that is referenced in the complaints in the Action regardless of when
26 those employees were originally onboarded/hired by PTS (“Kern County Facility Aggrieved
27 Employees”); and (2) all current and former non-exempt employees of PTS in California during the
28 PAGA Period that performed new hire trainings or onboarding/new hire related activities

1 ("California Aggrieved Employees").

2 3. The "PAGA Period" is the period from February 26, 2023, through February 19,
3 2025.

4 4. For purposes of settlement, the Court further designates named Plaintiff Markia
5 Scott as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., and James Clark,
6 Esq. of Lavi & Ebrahimian, LLP, as Class Counsel.

7 5. The Court appoints ILYM Group, Inc. as the Settlement Administrator.

8 6. A final fairness hearing on the question of whether the proposed settlement should
9 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
10 Department 17 of this Court, located at 1415 Truxtun Avenue, Bakersfield, CA, 93301, on
11 8/11, 2025, at 830 a.m./p.m.

12 7. At the final fairness hearing, the Court will consider: (a) whether the settlement
13 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
14 approval of the settlement should be entered; and (c) whether Plaintiff's application for an award of
15 Class Counsel Fees, Class Counsel Expenses, and Class Representative Service Payment should be
16 granted.

17 8. Counsel for the parties shall file memoranda, declarations, or other statements and
18 materials in support of their request for final approval by no later than 16 court days prior the final
19 fairness hearing.

20 9. Class Counsel shall file a motion for an award of Class Counsel Fees, Class
21 Counsel Expenses, and Class Representative Service Payment by no later than 16 court days prior
22 to the final fairness hearing.

23 10. The Court approves, as to form and content, the Class Notice which is attached to
24 the Settlement as **Exhibit A.**

25 11. No later than thirty (30) calendar days following the date the Court enters this order,
26 Defendant shall provide the following information to the Settlement Administrator: Class Member
27 identifying information in Defendant's possession including the Class Member's name, last-known
28

1 mailing address, Social Security number, and number of Class Period Workweeks and PAGA Pay
2 Periods ("Class Data").

3 12. No later than fourteen (14) calendar days after receiving the Class Data, the
4 Settlement Administrator shall disseminate the Class Notice to all the Class Members identified in
5 the Class Data by first-class U.S. Mail.

6 13. Class Members shall have sixty (60) calendar days from the date the Settlement
7 Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion
8 from the Settlement or fax, email, or mail an Objection to the Settlement ("Response Deadline").
9 Class Members to whom Notice Packets are resent after having been returned undeliverable to the
10 Administrator shall have an additional fourteen (14) calendar days beyond the Response Deadline
11 has expired.

12 14. The Court finds that the forms of Class Notice to the Class regarding the pendency
13 of the action and of this settlement, and the methods of giving notice to members of the
14 Settlement Class constitute the best notice practicable under the circumstances and constitute
15 valid, due, and sufficient notice to all members of the Class. They comply fully with the
16 requirements of California Code of Civil Procedure section 382, California Civil Code section
17 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
18 and other applicable law.

19 15. The Court further approves the procedures for Class Members to participate in, opt
20 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

21 16. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
22 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not
23 later than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for
24 Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter from a Class
25 Member or his/her representative that reasonably communicates the Class Member's election to
26 be excluded from the Settlement and includes the Class Member's name, address and email
27 address or telephone number. To be valid, a Request for Exclusion must be timely faxed, emailed,
28 or postmarked by the Response Deadline.

1 17. Participating Class Members may send written objections to the Administrator, by
2 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire
3 an attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A
4 Participating Class Member who elects to send a written objection to the Administrator must do
5 so not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional
6 14 days for Class Members whose Class Notice was re-mailed).

7 18. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
8 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
9 Order, are stayed.

10 19. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
11 connection with the administration of the settlement which are not materially inconsistent with
12 either this Order or the terms of the Settlement.

13 20. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendant to provide the Settlement Administrator the Class Database	30 calendar days after the Court's entry of this Order
Notice Date: last day for Administrator to mail Class Notice to Class Members.	14 calendar days after Defendant funds the Gross Settlement Amount
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections	60 calendar days after the date of mailing of the Class Notice (plus an additional 14 calendar days for Class Members whose Class Notice is re-mailed)
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 calendar days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 calendar days prior to the final fairness hearing
Last day for the Parties to respond to Objections	5 court days prior to the final fairness hearing
Hearing on final approval of class action settlement.	8-11-25 8 ³⁰ am D-17 fl

1 21. The Fairness Hearing and related prior deadlines set forth above may, from time to
2 time and without further notice to the Class (except those who have filed timely and valid
3 objections), be continued or adjourned by Order of the Court.

4
5 **IT IS SO ORDERED.**

6
7 Dated: _____

4-11-25



Hon. Thomas S. Clark
Judge of the Superior Court