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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**

CARLOS MARQUEZ, ABRAM IZQUIERDO-  
DUARTE, ROLANDO DE LUNA, and  
BRENDA BARRAGAN, individually, on behalf  
of all others similarly situated, and on behalf of  
the State of California and other aggrieved  
person,

*Plaintiffs,*

v.

NAVAL ENGINEERING SUPPORT INC., a  
California corporation; and DOES 1 through 10,  
inclusive,

*Defendants.*

Case No.: 37-2024-00023814-CU-OE-CTL

*[Assigned for All Purposes to the Hon.  
Katherine A. Bacal, Dept. C-63]*

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

Preliminary Approval Hearing:

Date: September 19, 2025

Time: 1:30 p.m.

Dept: C-63

Action Filed: May 22, 2024

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1           The Motion for Preliminary Approval of Class Action and PAGA Settlement came  
2 before this Court on September 19, 2025, at 1:30 p.m., in Department C-63 of the Superior  
3 Court of California, County of San Diego, Hall of Justice, located at 330 West Broadway, San  
4 Diego, California 92101. The Court, having considered the proposed Class Action and PAGA  
5 Settlement Agreement and Class Notice entered into by and between Plaintiffs Carlos Marquez,  
6 Abram Izquierdo-Duarte, Rolando De Luna, and Brenda Barragan (collectively “Plaintiffs”) and  
7 Defendant Naval Engineering Support Inc. (“Defendant,” and together with Plaintiffs, the  
8 “Parties”), attached as **Exhibit 6** to the Declaration of Arrash T. Fattahi in Support of Plaintiffs’  
9 Motion for Preliminary Approval of Class Action and PAGA Settlement (hereinafter  
10 collectively, the “Settlement” or “Settlement Agreement”); having considered the Motion for  
11 Preliminary Approval of Class Action and PAGA Settlement; having considered the points and  
12 authorities and declarations submitted by the Parties in support thereof; and good cause  
13 appearing, HEREBY ORDERS THE FOLLOWING:

14           1.       The Court finds on a preliminary basis that the Settlement Agreement appears to  
15 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.  
16 The Court grants preliminary approval of the Settlement and the Settlement Class based upon  
17 the terms set forth in the Settlement Agreement between the Parties, attached to the Declaration  
18 of Arrash T. Fattahi in Support of Plaintiffs’ Motion for Preliminary Approval of Class Action  
19 and PAGA Settlement as **Exhibit 6**.

20           2.       The Settlement falls within the range of reasonableness of a settlement which  
21 could ultimately be given final approval by this Court, and appears to be presumptively valid,  
22 subject only to any objections that may be raised at the Final Approval Hearing and final  
23 approval by this Court. Defendant has agreed to pay \$250,000.00 to cover (a) Individual Class  
24 Payments to Participating Class Members (class members who do not validly opt out); (b)  
25 Private Attorneys General Act (“PAGA”) Payment in the amount of \$25,000.00 with 65%  
26 (\$16,250.00) allocated to the California Labor & Workforce Development Agency (“LWDA”)  
27 Payment and 35% (\$8,750.00) allocated to the Individual PAGA Payments to be paid to PAGA  
28 Members; (c) Class Representative Service Payment for each Plaintiff of up to \$7,500.00; (d)

1 Class Counsel Fees Payment not to exceed 35% of the Gross Settlement Amount (currently  
2 \$87,500.00) and Class Counsel Litigation Expenses Payment up to \$25,000.00 for actual  
3 litigation expenses incurred by Class Counsel; and (e) Administrator Expenses Payment not to  
4 exceed \$7,000.00.

5 3. The Court preliminarily finds that the terms of the Settlement appear to be within  
6 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and  
7 applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair  
8 and reasonable to the class members when balanced against the probable outcome of further  
9 litigation relating to class certification, liability and damages issues, and potential appeals; (2)  
10 significant informal discovery, investigation, research, and litigation have been conducted such  
11 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;  
12 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented  
13 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as  
14 the result of intensive, serious, and non-collusive negotiations between the Parties with the  
15 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds  
16 that the Settlement Agreement was entered into in good faith.

17 4. A final fairness hearing on the question of whether the proposed Settlement,  
18 attorneys' fees and costs to Class Counsel, payment to the LWDA and aggrieved employees for  
19 their share of the settlement of claims for penalties under the PAGA, and the Class  
20 Representative Service Payment should be finally approved as fair, reasonable and adequate as  
21 to the members of the Class is hereby set in accordance with the Implementation Schedule set  
22 forth below.

23 5. The Court provisionally certifies for settlement purposes only the following class  
24 (the "Settlement Class"): "all individuals currently or formerly employed by Naval Engineering  
25 in California as hourly, non-exempt employees during the Class Period."

26 6. "Class Period" means the period from May 22, 2020, through May 23, 2025,  
27 unless Defendant elects to shorten the class period at Defendant's option as set forth in  
28 Paragraph 7 of the Settlement Agreement.

1           7.       The Court finds, for settlement purposes only, that the Settlement Class meets the  
2 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the  
3 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions  
4 of law and fact that are common, or of general interest, to all Settlement Class Members, which  
5 predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the  
6 Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect  
7 the interests of the Settlement Class Members; and (5) a class action is superior to other  
8 available methods for the fair and efficient adjudication of the controversy.

9           8.       The Court appoints as Class Representatives, for settlement purposes only,  
10 Plaintiffs Carlos Marquez, Abram Izquierdo-Duarte, Rolando De Luna, and Brenda Barragan.  
11 The Court further preliminarily approves Plaintiffs' ability to each request a Class  
12 Representative Service Payment up to \$7,500.00.

13           9.       The Court appoints, for settlement purposes only, Arrash T. Fattahi, Courtney M.  
14 Miller, Lisa B. Iturriaga, Arman A. Salehi of Wilshire Law Firm, PLC and Nicholas J. Ferraro,  
15 Lauren N. Vega, and Elyssa Martinez of Ferraro Vega Employment Lawyers, Inc. as Class  
16 Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys'  
17 fees 35% (currently \$87,500.00), and costs not to exceed \$25,000.00.

18           10.      The Court appoints Phoenix Settlement Administrators as the Settlement  
19 Administrator with reasonable administration costs estimated not to exceed \$7,000.00.

20           11.      Plaintiffs are permitted to file a Second Amended Class and Representative  
21 Action Complaint, attached as **Exhibit 5** to the Declaration of Arrash T. Fattahi in Support of  
22 Plaintiffs' Motion for Preliminary Approval of Class Action and PAGA Settlement

23           12.      The Court approves, as to form and content the Class Notice, attached to the  
24 Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the  
25 Class Notice to Settlement Class Members satisfies due process, provides the best notice  
26 practicable under the circumstances, and shall constitute due and sufficient notice to all persons  
27 entitled thereto.

28       ///

1           13.     The Parties are ordered to carry out the Settlement according to the terms of the  
2 Settlement Agreement.

3           14.     Any class member who does not timely and validly request exclusion from the  
4 Settlement may object to the Settlement Agreement.

5           15.     The Court orders the following Implementation Schedule:

| 6                                   Event                                                                                                                                                | Timing                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7           Class Data: Last day for Defendant to<br>8           provide Class Data to the Administrator                                                                                 | 15 days after the Court grants Preliminary<br>Approval of the Settlement                                                                              |
| 9           Class Notice: Last day for Administrator to<br>10          mail the Class Notice to Class Members                                                                            | 14 days after receipt of the Class Data                                                                                                               |
| 11          Response Deadline: Last day for Class<br>12          Members to submit written objections,<br>13          challenges to workweeks, and requests for<br>14          exclusion | 45 days after Class Notice is mailed out by<br>the Administrator (with an additional 14<br>days for Class Members whose Class Notice<br>was remailed) |
| 15          Last day to file Motion for Final Approval,<br>16          Request for Attorneys' Fees and Costs, and<br>17          Service Payments to Plaintiffs                          | 16 court days before the Final Approval<br>Hearing                                                                                                    |
| 18          Final Approval Hearing                                                                                                                                                       | _____, 2026, at _____<br>a.m./p.m. in Dept. C-63 of the above-entitled<br>Court.                                                                      |

21           16.     The Court further ORDERS that, pending further order of this Court, all proceedings  
22 in this lawsuit, except those contemplated herein and in the settlement, are stayed.

23           **IT IS SO ORDERED.**

24  
25  
26   DATE: \_\_\_\_\_

\_\_\_\_\_  
HON. KATHERINE A. BACAL  
JUDGE OF THE SUPERIOR COURT