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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SOLANO**
11

12 ANDREW MARTINEZ and AARON FOWLER,
13 individually, on behalf of all others similarly
14 situated, and on behalf of the State of California
and other aggrieved persons,

15 *Plaintiffs,*

16 v.

17 AUTOMATIC BAR CONTROLS, INC., a
18 corporation; and DOES 1 through 10, inclusive,

19 *Defendants.*

Case No.: CU24-06154

CLASS ACTION

[Assigned to: Hon. Stephen Gizzi, Dept. 3,
Room 301]

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

PRELIMINARY APPROVAL HEARING

Date: October 30, 2026

Time: 9:00 a.m.

Dept.: 3

Complaint filed: August 15, 2024

Trial date: Not set

1 The Motion for Preliminary Approval of Class Action and PAGA Settlement came
2 before this Court on October 30, 2026, at 9:00 a.m., in Department 3 of the Superior Court of
3 California, County of Solano, located 600 Union Ave, Fairfield, CA 94533. The Court, having
4 considered the proposed Class Action and PAGA Settlement Agreement and Class Notice
5 entered into by and between Plaintiffs Andrew Martinez and Aaron Fowler (“Plaintiffs”) and
6 Defendant Automatic Bar Controls, Inc. (“Defendant,” and together with Plaintiffs, the
7 “Parties”), attached as **Exhibit 3** to the Declaration of Arrash T. Fattahi in Support of Plaintiffs’
8 Motion for Preliminary Approval of Class Action and PAGA Settlement (hereinafter
9 collectively, the “Settlement” or “Settlement Agreement”); having considered the Motion for
10 Preliminary Approval of Class Action and PAGA Settlement; having considered the points and
11 authorities and declaration submitted by the Parties in support thereof; and good cause
12 appearing, HEREBY ORDERS THE FOLLOWING:

13 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
14 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
15 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
16 the terms set forth in the Settlement Agreement between the Parties.

17 2. The Settlement falls within the range of reasonableness of a settlement which
18 could ultimately be given final approval by this Court, and appears to be presumptively valid,
19 subject only to any objections that may be raised at the Final Approval Hearing and final
20 approval by this Court. Defendant has agreed to pay \$285,000.00 to cover (a) Individual Class
21 Payments to Participating Class Members (class members who do not validly opt out); (b)
22 Private Attorneys General Act (“PAGA”) Penalties in the amount of \$10,000.00 with 65%
23 (\$6,500.00) allocated to the California Labor & Workforce Development Agency (“LWDA”)
24 PAGA Payment and 35% (\$3,500.00) allocated to the Individual PAGA Payments to be paid to
25 aggrieved employees; (c) Class Representative Service Payments of up to \$10,000.00 to each
26 named Plaintiff (\$20,000.00 total); (d) Class Counsel Fees Payment of thirty-five percent (35%)
27 or less of the Gross Settlement Amount (\$99,750.00) and Class Counsel Litigation Expenses
28 Payment up to \$25,000.00 for actual litigation expenses incurred by Class Counsel; and (e)

1 Administrator Expenses Payment not to exceed \$4,490.00.

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

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

20 5. The Court provisionally certifies for settlement purposes only the following class
21 (the "Settlement Class"): "all non-exempt employees of Defendant in the State of California at
22 any time between August 15, 2020 through November 1, 2025 ('Class Period')."

23 6. "Class Period" means the period from August 15, 2020 through November 1,
24 2025.

25 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
26 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
27 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
28 of law and fact that are common, or of general interest, to all Settlement Class Members, which

predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect the interests of the Settlement Class Members; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

8. The Court appoints as Class Representatives, for settlement purposes only, Plaintiffs Andrew Martinez and Aaron Fowler. The Court further preliminarily approves Plaintiffs' ability to request Class Representative Service Payments of up to \$10,000.00 per named plaintiff (\$20,000.00 total).

9. The Court appoints, for settlement purposes only, Arrash T. Fattahi, Emily Borman, and Arman A. Salehi of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of thirty-five percent or less of the Gross Settlement Amount (\$99,750.00), and costs not to exceed \$25,000.00.

10. The Court appoints APEX Class Action Administration as the Settlement Administrator with reasonable administration costs estimated not to exceed \$4,490.00.

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

12. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

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

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14. The Court orders the following Implementation Schedule:

Event	Timing
Class Data: Last day for Defendant to provide Class Data to the Administrator	30 days after the Court grants Preliminary Approval of the Settlement
Class Notice: Last day for Administrator to mail the Class Notice to Class Members	14 days after receipt of the Class Data
Response Deadline: Last day for Class Members to submit written objections, challenges to workweeks and/or pay periods, and requests for exclusion	45 days after Class Notice is mailed out by the Administrator
Filing Deadline: Last day to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Class Representative Service Payments to Plaintiffs	16 court days before the Final Approval Hearing
Final Approval Hearing	March 2, 2027, at 9:00 a.m. in Dept. 3 of the above-referenced Court.

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

IT IS SO ORDERED.

DATE: _____

HON. STEPHEN GIZZI
JUDGE OF THE SUPERIOR COURT