

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

IGNACIO RIOS, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

COMMUNITY TREE SERVICE, LLC, a
California limited liability company; and
DOES 1 through 100, inclusive,

Defendants.

Lead Case No.: 24CV003969
Consolidated with Case No. 24CV005091

*[Assigned for All Purposes to Hon. Ian A.
Rivamonte, Dept 14]*

**~~AMENDED PROPOSED~~ ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION AND PAGA
SETTLEMENT**

Date: July 24, 2026

Time: 8:30 a.m.

Dept.: 14

Complaint Filed: September 23, 2024

Trial Date: Not Set

IGNACIO RIOS, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

1 COMMUNITY TREE SERVICE, LLC, a
2 California limited liability company; and
DOES 1 through 100, inclusive,

3 Defendants.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 The Motion of Plaintiff Ignacio Rios (“Plaintiff”) for Preliminary Approval of Class
2 Action and PAGA Settlement (“Motion”) came on regularly for hearing before this Court on July
3 24, 2026 at 8:30 a.m. in Department 14. The Court, having considered the proposed Amended
4 Class Action and PAGA Settlement Agreement and Release (the “Settlement”), attached as
5 **Exhibit B** to the Supplemental Declaration of Tiara Gose-Hardy in support of the Motion for
6 Preliminary Approval of Class Action and PAGA Settlement; having considered Plaintiff’s
7 Motion, Memorandum of Points and Authorities in support thereof, and supporting declarations
8 filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action and PAGA
10 settlement as set forth in the Settlement and finds its terms to be within the range of reasonableness
11 of a settlement that ultimately could be granted approval by the Court at a Final Approval Hearing.
12 For purposes of the Settlement, the Court finds that the proposed Settlement Class is ascertainable
13 and that there is a sufficiently well-defined community of interest among the members of the
14 Settlement Class in questions of law and fact. Therefore, for settlement purposes only, the Court
15 grants conditional certification of the following Settlement Class:

16 All persons employed by Defendant in California in a non-exempt position
17 who worked for Defendant during the Class Period.

18 The “Class Period” is defined as the period starting on July 10, 2022, and
19 continuing through November 17, 2024.

20 Additionally, for the purposes of this settlement only, Aggrieved Employees shall be
21 defined as:

22 An individual who was employed by and worked for Defendant in the State
23 of California in a non-exempt position during the PAGA Period.

24 The “PAGA Period” is defined as the period starting on September 23,
25 2023, and continuing through November 17, 2024.

26 //

1 2. The conditional certification of the Settlement Class is for settlement purposes
2 only. If Preliminary or Final Approval is not granted or Judgment is not entered, Defendant
3 reserves the right to contest certification of any class for any reasons and manageability of any
4 representative aspect of the Action, and Defendant reserves all available defenses to the claims
5 in the Action, and Plaintiff reserves the right to move for class certification on any grounds
6 available and to contest Defendant's defenses.

7 3. For purposes of the Settlement, the Court designates named Plaintiff Ignacio Rios
8 as Class Representative, and Scott M. Lidman, Milan Moore, and Tiara Gose-Hardy of Lidman
9 Law, APC and Paul K. Haines of Haines Law Group, APC as Class Counsel.

10 4. The Court conditionally designates Phoenix Settlement Administrators ("PSA")
11 as the third-party Settlement Administrator for mailing notices.

12 5. The Court approves, as to form and content, the Court Approved Notice of Class
13 Action Settlement and Hearing Date for Final Court Approval to be mailed to the Settlement Class
14 in both English and Spanish.

15 6. The Court finds that the form of notice to the Settlement Class regarding the
16 pendency of the action and of the Settlement, and the methods of giving notice to Settlement Class
17 members constitute the best notice practicable under the circumstances, and constitute valid, due,
18 and sufficient notice to all members of the Settlement Class. The form and method of giving
19 notice complies fully with the requirements of California Code of Civil Procedure section 382,
20 California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and
21 other applicable law.

22 7. The Court further approves the procedures for Class Members to request exclusion
23 from the Class Settlement, object to the class action components of the Settlement, and challenge
24 their credited Class Workweeks and/or PAGA Pay Periods, as set forth in the Court Approved
25 Notice of Class Action Settlement and Hearing Date for Final Court Approval. Aggrieved
26 Employees may not request exclusion from the PAGA portion of the Settlement and, if the
27
28

1 Settlement is finally approved, will be bound by the PAGA release regardless of whether they
2 request exclusion from the Class Settlement.

3 8. The procedures and requirements for filing objections in connection with the Final
4 Approval Hearing are intended to ensure the efficient administration of justice and the orderly
5 presentation of any Settlement Class member's objection to the Settlement, in accordance with
6 the due process rights of all Settlement Class members.

7 9. The Court directs the Settlement Administrator to mail the Court Approved Notice
8 of Class Action Settlement and Hearing Date for Final Court Approval to all Class members in
9 accordance with the terms of the Settlement.

10 10. The Class Notice shall provide at least 60 calendar days' notice for Settlement
11 Class members to dispute, opt out of, or object to, the Settlement.

12 11. The Final Approval Hearing on the question of whether the Settlement should be
13 finally approved as fair, reasonable, and adequate is scheduled in Department 14 of the above-
14 entitled Court, located at 1200 Aguajito Road, Monterey, CA 93940, on February 26, 2027 at
15 8:30 a.m.

16 12. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
17 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
18 the PAGA portion of the Settlement should be approved under Labor Code section 2699(s)(2);
19 (c) whether a judgment granting final approval of the Settlement should be entered; and (d)
20 whether Plaintiff's application for reasonable attorneys' fees, reimbursement of litigation
21 expenses, service award to Plaintiff, and payment to the Labor and Workforce Development
22 Agency ("LWDA") and Aggrieved Employees for penalties under the Labor Code Private
23 Attorneys General Act ("PAGA") should be granted.

24 13. Counsel for the parties shall file memoranda, declarations, or other statements and
25 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
26 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA
27 and Aggrieved Employees for PAGA penalties prior to the Final Approval Hearing according to
28

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 Data to Settlement Administrator	30 calendar days after the Court enters an order granting preliminary approval
Settlement Administrator to mail Notice Packets to Class Members	14 calendar days after receiving Class Data from Defendant
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	60 calendar days after mailing of the Notice by the Settlement Administrator
Extended deadline for Class Members whose Notice is re-mailed	14 calendar days after the original Response Deadline, as provided in the Settlement Agreement
Deadline for Plaintiff to file Motion for Final Approval of Class Action and PAGA Settlement (and to respond to any objections)	16 Court days before the Final Approval Hearing (February 2, 2027)
Final Approval Hearing:	February 26, 2027 at 8:30 a.m.

15. Pending the Final Approval 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.

16. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement. The Settlement Administrator is authorized and directed to perform all settlement administration duties in accordance with this Order and the Settlement Agreement.

//

1 17. Nothing in this Order, the Settlement, or the conditional certification of the
2 Settlement Class constitutes an admission by the Parties that any of the operative allegations have
3 merit or that any Party has any liability for any claims asserted; nor does it constitute an admission
4 that any Party's defenses have merit.

5 **IT IS SO ORDERED.**

6
7 Dated: September 11, 2026


Honorable Ian A. Rivamonte
Judge of the Superior Court