

THE WHEELER LAW FIRM, APC

Scott Ernest Wheeler (SBN 187998)
Justin A. Wheeler (SBN 342226)
250 West First Street, Suite 216
Claremont, California 91711
Telephone: (909) 621-4988
Facsimile: (909) 621-4622
Email: sew@scottwheelerlawoffice.com
jaw@scottwheelerlawoffice.com

*Attorneys for Plaintiff and on behalf
of all others similarly situated*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAY 14 2026

BY 
LILIANA MARISCAL, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO JUSTICE CENTER**

JOSE MARCELO RIVERA, individually, and
on behalf of all others similarly situated,

Plaintiffs,

v.

PB INDUSTRY, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: CIVSB2434800

[Assigned to Hon. Winston Keh, Dept. S-14]

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

1 **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL**

2 The Court now has before it, Plaintiff's unopposed Motion for Preliminary Approval of Class
3 Action Settlement ("Motion"). After reviewing the Motion, the Class Action and PAGA Settlement
4 Agreement and Release ("Settlement Agreement") and exhibits attached thereto, and good cause
5 appearing therefore, the Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the settlement memorialized in the
7 Settlement Agreement appears to be fair and adequate, and falls within the range of reasonableness,
8 and therefore meets the requirement for preliminary approval.

9 2. The Court conditionally certifies for settlement purposes the following class (the
10 "Class" or "Settlement Class"):

11 All hourly, non-exempt employees employed by Defendant, in the State of
12 California, at any time from November 19, 2020, through January 31, 2026.

13 The Class Period is from November 19, 2020, through January 31, 2026.

14 3. The Court conditionally approves for settlement purposes the following PAGA
15 Settlement Members ("PAGA Member" or "PAGA Members"):

16 All hourly, non-exempt employees who worked for Defendant, in the State
17 of California, at any time during the time period of September 16, 2023,
18 through January 31, 2026.

19 The PAGA Period is September 16, 2023, through January 31, 2026.

20 4. The Court conditionally approves for settlement purposes the PAGA allocation of this
21 settlement to the California Labor and Workforce Development Agency ("LWDA") and PAGA
22 Members.

23 5. The Court finds, for settlement purposes, that the Class meets the requirements for
24 certification under California Code of Civil Procedure § 382 in that: (1) the Class is so numerous
25 that joinder is impractical; (2) there are questions of law and fact that are common, or of general
26 interest, to the Class, which predominate over any individual issues; (3) Plaintiff's claims are typical
27 of the claims of the Class; (4) Plaintiff and Plaintiff's counsel will fairly and adequately protect the
28 interests of the Class; and (5) a class action is superior to other available methods for the fair and

1 efficient adjudication of the controversy.

2 6. The Court appoints, for settlement purposes, Plaintiff Jose Marcelo Rivera as
3 Representative for the Class.

4 7. The Court appoints, for settlement purposes, The Wheeler Law Firm, APC as Counsel
5 for the Class.

6 8. The Parties are ordered to carry out the Settlement according to the terms of the
7 Settlement Agreement.

8 9. The Court appoints ILYM Group, Inc. ("ILYM Group") as the Settlement
9 Administrator and is ordered to carry out the administration of the settlement according to the terms
10 of the Settlement Agreement.

11 10. The Court approves as to form and content of the Class Action and PAGA Settlement
12 Notice. The Court finds that the dates selected for the mailing and distribution of the Notice Packet
13 meet the requirements of due process, provide the best notice practicable under the circumstances, and
14 shall constitute due and sufficient notice to all persons entitled thereto.

15 11. If any Class Member objects to the Settlement Agreement, the objecting party is not
16 required, either personally or through counsel: 1) to appear at the hearing on the motion for final
17 approval for that party's objection to be considered; or 2) to file or serve, or to state in the objection,
18 a notice of intention to appear at the hearing on the motion for Final Approval of the Class Settlement.

19 12. ILYM Group, the Settlement Administrator, shall provide notice to any objecting party
20 of any continuance of the hearing of Plaintiff's Motion for Final Approval.

21 13. The Parties are ordered to carry out the Settlement according to the following
22 implementation schedule:

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	May 28, 2026
Last day for Settlement Administrator, ILYM Group to mail Class Notice	June 8, 2026
Last day for Class Members to submit a dispute regarding Workweeks, Request for Exclusion, or written Objection	July 23, 2026

Last Day for Plaintiff to file Motion for Final Approval of the Class Settlement, Attorneys' Fees and Costs and Class Representative Service Award	Per Code.
Final Approval Hearing	September 11, 2026

14. The Court finds that the method of giving notice to the Class constitutes the best means practicable of providing notice under the circumstances. The Court further finds that the Notice Packet and the method of giving notice to the Class meet the requirements of California Code of Civil Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, and due process under the California and United States Constitutions, and other applicable law.

15. At the Final Approval Hearing, the Court will consider whether the Settlement should be finally approved as fair, reasonable and adequate, whether a final judgment should be entered, and whether the payments provided for under the Settlement, including attorneys' fees and costs and class representative service award, should be finally approved and granted.

16. Pending the Final Approval Hearing, all proceedings in this Action, other than proceedings necessary to implement the Settlement and this Order, are stayed.

IT IS SO ORDERED.

DATED: 5/14/26

 **Winston Keh**
 HONORABLE WINSTON KEH
 JUDGE OF THE SUPERIOR COURT