

ZAKAY LAW GROUP, APLC

Shani O. Zakay (State Bar #277924)
Jackland K. Hom (State Bar #327243)
Julieann Alvarado (State Bar #334727)
Rachel Newman (State Bar # 350826)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619)255-9047
Facsimile: (858) 404-9203
shani@zakaylaw.com
jackland@zakaylaw.com
julieann@zakaylaw.com
rachel@zakaylaw.com

JCL LAW FIRM, APC

Jean-Claude Lapuyade (State Bar #248676)
5440 Morehouse Drive, Suite 3600
San Diego, CA 92121
Telephone: (619)599-8292
Facsimile: (619) 599-8291
jlapuyade@jcl-lawfirm.com

Attorneys for PLAINTIFF DORICK MAHEIA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

DORICK MAHEIA, an individual, on behalf of
himself and on behalf of all persons similarly
situated,

Plaintiff,

v.

CLEAN EARTH ENVIRONMENTAL
SOLUTIONS, INC., a Delaware corporation;
HARSCO CORPORATION, a Delaware
corporation; and DOES 1-50, Inclusive,

Defendants.

Case No.: 22STCV24279

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

Hearing Date: May 1, 2024
Hearing Time: 11:00 a.m.

Judge: Hon. Stuart M. Rice
Department: 1

1 **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

2 The Motion for Preliminary Approval of a Class Action and PAGA Settlement came before this
3 Court, on May 1, 2024 in Department 1 before the Honorable Stuart M. Rice, presiding. The Court
4 having considered the papers submitted in support of the application of the parties, HEREBY ORDERS
5 THE FOLLOWING:

6 1. The Court grants preliminary approval of the Settlement and the Settlement Class based
7 upon the terms set forth in the Class Action and PAGA Settlement Agreement (“Agreement”) filed
8 herewith. All terms used herein shall have the same meaning as defined in the Agreement.

9 2. The Settlement set forth in the Agreement, for a Gross Settlement Amount of \$1,350,000,
10 appears to be fair, adequate and reasonable to the Class. The Settlement falls within the range of
11 reasonableness and appears to be presumptively valid, subject only to any objections that may be raised
12 at the final fairness hearing and final approval by this Court. It further appears that investigation and
13 research have been conducted such that counsel for the Parties are able to reasonably evaluate their
14 respective positions. It further appears to the Court that settlement at this time will avoid substantial
15 additional costs by all Parties, as well as avoid the delay and risks that would be presented by the further
16 prosecution of the Action. It further appears that the Settlement has been reached as the result of
17 intensive, serious and non-collusive, arms-length negotiations. The Parties are ordered to carry out the
18 settlement according to the terms of the Agreement and in conformity with this Order. The Court has
19 reviewed the monetary recovery that is being granted as part of the Settlement and preliminarily finds
20 that the monetary settlement awards made available to Class Members is fair, adequate, and reasonable
21 when balanced against the probable outcome of further litigation relating to certification, liability, and
22 damages issues.

23 3. A final fairness hearing on the question of whether the proposed Settlement, attorneys’
24 fees to Class Counsel, costs of administration and the Class Representative Service Payment to Plaintiff
25 should be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled
26 in Department 1 on the date and time set forth in the implementation schedule in Paragraph 11 below.
27
28

1 4. This Court approves, as to form and content, the Notice of Class Action Settlement and
2 Hearing Date for Final Court Approval. The Court approves the procedure for Class Members to opt out
3 of, or to object to, the Settlement as set forth in the Agreement and Notice.

4 5. The Court directs the mailing of the Notice of Class Action Settlement and Hearing Date
5 for Final Court Approval by first class mail to the Class Members in accordance with the Implementation
6 Schedule set forth below. The Court finds the dates selected for the mailing and distribution of the
7 Notice, as set forth in the Implementation Schedule, meet the requirements of due process and provide
8 the best notice practicable under the circumstances and shall constitute due and sufficient notice to all
9 persons entitled thereto.

10 6. Specifically, the Notice Packet fairly, plainly, accurately, and reasonably informs Class
11 Members of: (1) the nature of the Action, the definition of the Class, the identity of Class Counsel, and
12 the essential terms of the Settlement, including the plan of allocation; (2) Plaintiff's and Class Counsel's
13 applications for the Class Representative Service Payments to Plaintiffs, and Class Counsel's request
14 for attorneys' fees and litigation costs; (3) a formula used to determine the Class Members' estimated
15 Individual Class Payment; (4) how to claim a share of the proceeds under the Settlement, and Class
16 Members' right to appear through counsel if they desire; (5) how to object to the Settlement or to opt-
17 out if a Class Member wishes to do so; and (6) how to obtain additional information regarding the Action
18 and the Settlement. (California Rule of Court 3.766.) The Court finds that the notice requirements of
19 California Rule of Court 3.769(e) and (f) are satisfied, and that the Notice that will be provided
20 adequately advises Class Members of their rights under the settlement. Counsel for the Parties are
21 authorized to correct any typographical errors in the Notice Packet and make clarifications, to the extent
22 the same are found or needed, so long as such corrections do not materially alter the substance of the
23 documents. The Court further finds that the distribution of the Class Notice is substantially in the manner
24 and form set forth in the Agreement and this Order meets the requirements of due process, is the best
25 notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons
26
27
28

entitled thereto. The Court orders the mailing of the Class Notice by first class mail, pursuant to the terms set forth in the Agreement.

7. It is ordered that the Settlement Class is preliminarily certified for settlement purposes only. For Settlement purposes only, the Court conditionally certifies the Class, consisting of “All individuals who worked for Defendants in California as non-exempt employees during the period between November 28, 2020, to February 9, 2024.”

8. The Court concludes that, for settlement purposes only, the Class meets the requirements for certification under Section 382 of the California Code of Civil Procedure in that: (a) the Class is ascertainable and so numerous that joinder of all Class Members is impracticable; (b) common questions of law and fact predominate, and there is a well-defined community of interest amongst the Class Members with respect to the subject matter of the litigation; (c) the claims of the named Plaintiff are typical of the claims of the Class Members; (d) the Class Representative will fairly and adequately protect the interests of the Class Members; (e) a class action is superior to other available methods for the efficient adjudication of this controversy; and (f) counsel for the Class is qualified to act as counsel for the Class.

9. The Court confirms Plaintiffs Dorrick Maheia, Darrell White, Omar Hernandez, Tyana Rainey, and Arturo Montano as Class Representatives, and Shani O. Zakay of Zakay Law Group, APLC Jean-Claude Lapuyade of JCL Law Firm, APC, George Azadian and Ani Azadian of Azadian Law Group, PC, and Edwin Aiwazian, Arby Aiwazian and Joanna Ghosh of Lawyers for Justice, PC as Class Counsel.

10. The Court confirms the appointment of Apex Class Action LLC as the Settlement Administrator.

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

a.	Deadline for Defendants to Submit Class Data to Settlement Administrator	15 calendar days after Order granting Preliminary Approval
b.	Deadline for Settlement Administrator to Mail Class Notice to Class Members	14 calendar days after receiving Class Data from Defendants

c.	Deadline for Class Members to Postmark Requests for Exclusion	45 calendar days after mailing of the Notice
d.	Deadline for Receipt by Court, Settlement Administrator, and Counsel of any Objections to Settlement	45 calendar days after mailing of the Notice
e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Class Representative Service Payment	16 Court days before Final Approval Hearing
f.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	14 days before the hearing on Plaintiff's Motion for Final Approval of Settlement
g.	Final Fairness Hearing and Final Approval	
h.	Deadline for Defendants to fund Settlement	30 calendar days after the Date of Finality
i.	Deadline for Settlement Administrator to mail the Individual Payments and the Class Representative Service Payment, and to wire transfer the Attorneys' Fees and Costs (if Settlement is Effective)	14 calendar days after Defendants fund the Gross Settlement Amount
j.	Deadline for Class Members to cash Individual Payment checks (if Settlement is Effective)	180 calendar days after Settlement Administrator mails the Individual Payments

12. The Court reserves the right to adjourn or continue the date of the final approval hearing and all dates provided for in the Agreement without further notice to Class Members, and retains jurisdiction to consider all further applications arising out of or connected with the proposed Settlement.

1
2 13. As of the date this Order is signed, all dates and deadlines associated with the Action
3 shall be stayed, other than those contemplated herein and in the Settlement Agreement, and pertaining
4 to the administration of the settlement of the Action.

5
6 IT IS SO ORDERED.

7 Dated: _____

8 _____
9 HON. STUART M. RICE
10 JUDGE OF THE SUPERIOR COURT
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28