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on behalf of himself and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

DAVID RAYMOND TINCUP JR on behalf of
himself and all others similarly situated

Plaintiff,

vs.

PCA CENTRAL CALIFORNIA
CORRUGATED, LLC d/b/a PACKAGING
CORPORATION OF AMERICA, a Delaware
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. Case No. 34-2022-00318214
Assigned for All Purposes To:
Hon. Lauri A. Damrell
Dept. 22

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

1 WHEREAS, this consolidated action is pending before this Court as a putative class and
2 PAGA action (the “Action”); and

3 WHEREAS, Plaintiff, through an unopposed motion for preliminary approval, has
4 applied to this Court for an order preliminarily approving the settlement of the Action in
5 accordance with the Class Action and PAGA Settlement Agreement and Class Notice
6 (“Settlement Agreement”) and any exhibit annexed thereto, which sets forth the terms and
7 conditions for a proposed settlement and final resolution of the Action upon the terms and
8 conditions set forth therein; and the Court having read and considered the Settlement Agreement
9 and the exhibit annexed thereto;

10 NOW, THEREFORE, IT IS HEREBY ORDERED:

11 1. This Order incorporates by reference the definitions in the final version of the
12 Settlement Agreement which has been filed with the Court and all terms defined therein shall
13 have the same meaning in this Order as set forth in the Settlement Agreement;

14 2. The Court hereby conditionally certifies the following Classes for settlement
15 purposes only. For the purposes of this settlement, the Class is defined as: all non-exempt
16 employees who worked for Defendant’s Kingsburg and McClellan facilities from January 1,
17 2020 through April 30, 2025;

18 3. Should for whatever reason the Settlement not become final, the fact that the
19 Parties were willing to stipulate to class certification as part of the Settlement shall have no
20 bearing on, nor be admissible in connection with, the issue of whether a class should be certified
21 in a non-settlement context;

22 4. The Court hereby authorizes the retention of Apex Class Action, LLC. as the
23 Administrator for the purpose of this Settlement;

24 5. The Court hereby conditionally finds that James Hawkins, Isandra Fernandez and
25 Anthony Draper, of James Hawkins APLC, may act as counsel for the Class. The Court further
26 conditionally finds that Plaintiff David Raymond Tincup Jr. may act as the Class Representative
27 for the Class;

1 6. The Court hereby preliminarily APPROVES the proposed Notice of Class Action
2 Settlement and Hearing Date for Final Court Approval. (“Class Notice”) The Court further finds
3 that the Class Notice appears to fully and accurately inform the Class Members of all material
4 elements of the proposed Settlement Agreement, of the Class Members’ right to be excluded
5 from the Class, and of each Class Member’s right and opportunity to object to the Settlement.
6 The Class Notice shall be mailed to the Class Members as set forth in the Settlement
7 Agreement;

8 7. The Court finds on a preliminary basis that the Settlement Agreement appears to
9 be within the range of reasonableness of a settlement that could ultimately be given final
10 approval by this Court. It appears to the Court on a preliminary basis that the settlement amount
11 is fair, adequate and reasonable as to all potential Class Members when balanced against the
12 probable outcome of further litigation relating to liability and damages issues. It further appears
13 that investigation and research have been conducted such that counsel for the Parties, at this
14 time, are able to reasonably evaluate their respective positions. It further appears to the Court
15 that settlement at this time will avoid substantial additional costs by all Parties, as well as avoid
16 the delay and risks that would be presented by the further prosecution of the Action. It further
17 appears that the Settlement has been reached as the result of serious and non-collusive, arms-
18 length negotiations;

19 8. The Court orders the following implementation schedule for further proceedings:
20

21 Preliminary approval order.	_____,2025
22 Deadline for Defendants to provide the 23 Class Data to the Settlement Administrator.	_____, 2025 (within fourteen 24 (14) calendar days after Court Grants Preliminary Approval).
25 Mail notices to Settlement Class Members.	_____, 2025 (within fourteen 26 (14) calendar days after Settlement 27 Administrator Receives Class Data from 28 Defendant).

Response Deadline for postmark by mail, fax or email of any Request for Exclusion.	, _____, 2026 (forty five (45) days after Settlement Administrator first mails Notice of Class Settlement to Settlement Class Members).
Deadline for receipt by the Settlement Administrator of any objections to the Settlement.	_____, 2026 (forty five (45) days after Settlement Administrator first mails Notice of Class Settlement to Settlement Class Members).
Response Deadline extension for re-mailed notices	_____, 2026 (14 calendar days after Response Deadline expires)
Deadline for Class Counsel to file Motion for Final Approval of Settlement.	_____, 2026
Final Approval Hearing.	_____, 2026, at

IT IS SO ORDERED.

Dated: _____

Hon Lauri A. Damrell
Judge of the Sacramento County Superior Court