

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

OCT 12 2023

BY 
JESSICA MORALES, DEPUTY

BY FAX

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

IGNACIO TAFOYA VARGAS, individually
and on behalf of others similarly situated, and
as an aggrieved employee and Private Attorney
General,

Plaintiffs,

vs.

CHEMCOR CHEMICAL CORPORATION, a
California corporation; DAVID D. TARQUIN,
an individual; RONALD H. TARQUIN, an
individual; FRANK K. TARQUIN, an
individual; and DOES 4 through 100,
inclusive,

Defendants.

Case No.: CIVSB2110114

*Assigned for all purposes to the Hon. David
Cohn, Dept. S26*

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

Date: September 20, 2023
Time: 9:00 a.m.
Dept.: S26

Complaint Filed: April 5, 2021
FAC Filed: July 16, 2021
Trial Date: None Set

1
2
3
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

[PROPOSED] ORDER

The Motion of Plaintiff Ignacio Tafoya Vargas (“Plaintiff”) for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) came on regularly for hearing before this Court on September 20, 2023. The Court, having considered the proposed Class Action Settlement Agreement (“Settlement Agreement” or “Settlement”), attached as **Exhibit 1** to the Declaration of Heather M. Davis and **Exhibit A** to this [Proposed] Order filed concurrently with the Motion, having considered Plaintiff’s Motion for Preliminary Approval of Class Action and PAGA Settlement, memorandum of points and authorities in support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing. All terms used herein shall have the same meaning as defined in the Settlement Agreement. For purposes of the Settlement only, the Court finds that the proposed Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following settlement Class:

All current and former non-exempt employees of Defendants Chemcor Chemical Corporation (“Chemcor”), David D. Tarquin (“David”), Ronald H. Tarquin (“Ronald”), and Frank K. Tarquin (“Frank”) employed in the state of California at any time from April 5, 2017 through June 14, 2022.

2. For purposes of the Settlement only, the Court designates Plaintiff as Class Representative, and designates Protection Law Group, LLP as Class Counsel.

3. The Court designates APEX Class Action Settlement Administrators as the third-party Settlement Administrator.

4. The parties are ordered to implement the Settlement according to the terms of the Settlement Agreement.

1 5. The Court approves, as to form and content, the proposed Notice of Proposed Class
2 Action Settlement and Final Approval Hearing ("Notice of Settlement") attached as **Exhibit A** to
3 Settlement Agreement.

4 6. The Court finds that the form of notice to the Class regarding the pendency of the
5 action and of the Settlement, the dates selected for mailing and distribution, and the methods of
6 giving notice to members of the Class, satisfy the requirements of due process, constitute the best
7 notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all
8 members of the Class. The form and method of giving notice complies fully with the requirements
9 of California Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of
10 Court §§ 3.766 and 3.769, the California and United States Constitutions, and other applicable
11 law.

12 7. The Court further approves the procedures for Class Members to opt-out of or
13 object to the Settlement, as set forth in the Notice of Settlement and the Settlement Agreement.
14 The procedures and requirements for filing objections in connection with the final fairness hearing
15 are intended to ensure the efficient administration of justice and the orderly presentation of any
16 Class Member's objection to the Settlement, in accordance with the due process rights of all Class
17 Members.

18 8. The Court directs the Settlement Administrator to mail the Notice of Settlement to
19 the members of the Class in accordance with the terms of the Settlement.

20 9. The Notice of Settlement shall provide 60 calendar days' notice for Class Members
21 to submit disputes, opt-out of, or object to the Settlement.

22 10. The hearing on Plaintiff's Motion for Final Approval of Settlement on the question
23 of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled
24 in Department S26 of this Court, located at 247 West 3rd Street San Bernardino, California 92415,
25 on _____, 2023/2024 at 9:00 a.m. or whatever date and time is convenient for
26 the Court (_____ and _____ a.m. / p.m.).

27 11. At the Final Fairness hearing, the Court will consider: (a) whether the Settlement
28 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting

1 final approval of the Settlement should be entered; and (c) whether Plaintiff's application for
2 service and release awards, settlement administration costs, and Class Counsel's attorney's fees
3 and costs, should be granted.

4 12. Counsel for Plaintiff shall file memoranda, declarations, or other statements and
5 materials in support of their request for final approval of Plaintiff's application for service and
6 release awards, settlement administration costs, Class Counsel's attorneys' fees and costs, prior to
7 the hearing on Plaintiff's Motion for Final Approval of Settlement according to the time limits set
8 by the Code of Civil Procedure and the California Rules of Court.

9 13. An implementation schedule is below:

Event	Date
Defendant to provide class contact information to Settlement Administrator no later than:	_____ [14 calendar days following preliminary approval]
Settlement Administrator to mail the Notice of Settlement to the Class no later than:	_____ [7 calendar days following provision of contact information]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	_____ [60 calendar days after mailing of the Notice of Settlement]
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	_____ [16 court days before the Final Approval Hearing]
Hearing on Motion for Final Approval of Settlement	_____

14. Pending the Final Fairness hearing, all proceedings in this action, other than
15 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
16 Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court
17 hereby enjoins Plaintiff and all members of the Class from filing or prosecuting any claims, or
18
19
20
21
22
23
24

1 suits regarding claims released by the Settlement, unless and until such Class Members have filed
2 valid Requests for Exclusion with the Settlement Administrator.

3 15. The Court has preliminarily approved Settlement Administration Costs not to
4 exceed \$5,900.00, with a final determination to be made at the Final Fairness Hearing.

5 16. The Court has preliminarily approved Class Counsel's Attorneys' Fees not to
6 exceed \$210,000.00, for Plaintiff's firm, with a final determination to be made at the Final Fairness
7 Hearing.

8 17. The Court has preliminarily approved Class Counsel's Costs not to exceed
9 \$15,000.00, for Plaintiff's firm, with a final determination to be made at the Final Fairness Hearing.

10 18. The Court has preliminarily approved the Service and Release Award to
11 Representative Plaintiff in an amount not to exceed \$7,500.00, with a final determination to be
12 made at the Final Fairness Hearing.

13 19. PAGA Penalties in the amount not to exceed \$50,000.00 (\$37,500.00 to the Labor
14 and Workforce Development Agency ("LWDA") and \$12,500.00 to the PAGA Members).

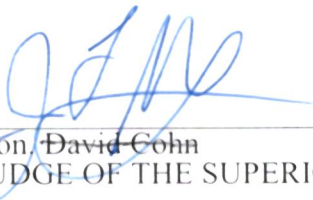
15 20. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
16 connection with the administration of the Settlement which are not materially inconsistent with
17 either this Order or the terms of the Settlement.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
IT IS SO ORDERED.

DATED:

10/12/23

By:


Hon. David Cohn
JUDGE OF THE SUPERIOR COURT