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

JUL 17 2023

BY 
JESSICA MORALES, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN BERNARDINO**

RICHARD DUARTE, on behalf of himself,
all others similarly situated, and on behalf of
the general public,

Plaintiff,

v.

PTG LOGISTICS, LLC.; and DOES 1
through 100,

Defendants.

Case No.: CIVSB2126799

[Consolidated with Case No. CIVSB2131398]

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

Date: July 11, 2023
Time: 9:00 a.m.
Dept.: S26

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 The Motion for Preliminary Approval of Class Action Settlement came before this Court,
3 the Honorable David S. Cohn presiding, on July 11, 2023. The Court having considered the
4 papers submitted in support of the Motion, HEREBY ORDERS THE FOLLOWING:

5 1. The following Class is conditionally certified for purposes of settlement only: All
6 hourly, non-exempt truck workers, industrial truck workers, industrial truck drivers, industrial
7 vehicle drivers, truck drivers, professional drivers, transportation specialists, tanker drivers,
8 delivery drivers, industrial workers, or similar job designations and titles, and all other similarly
9 situated non-exempt, hourly employees of Defendant from September 17, 2017 through the date
10 the Court enters this order granting Preliminary Approval.

11 2. The Court grants preliminary approval of the Settlement and the Class based upon
12 the terms set forth in the Settlement Agreement filed herewith. Capitalized terms shall have the
13 definitions set forth in the Settlement.

14 3. The Settlement appears to be fair, adequate and reasonable to the Class. The
15 Settlement falls within the range of reasonableness and appears to be presumptively valid,
16 subject only to any objections that may be raised at the final approval hearing and final approval
17 by this Court.

18 5. Plaintiff Richard Duarte is conditionally approved as the Class Representative for
19 the Class.

20 6. The proposed Class Representative Enhancement Payment of \$10,000 payable to
21 the Plaintiff for his services as the class representative is conditionally approved.

22 7. David Mara and Matthew Crawford of Mara Law Firm, PC are conditionally
23 approved as Class Counsel for the Class.

24 8. The proposed awards of up to \$133,333.33 in attorneys' fees and up to \$25,000 in
25 actual costs payable to Class Counsel are conditionally approved.

26 9. A final approval hearing on the question of whether the Settlement, attorneys'
27 fees and costs to Class Counsel, and the Class Representative Enhancement Payment should be
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1 finally approved as fair, reasonable and adequate as to Class Members is scheduled in
2 Department S26 on the date and time set forth in Paragraph 16 below.

3 10. The Court confirms Apex Class Action LLC (“Apex”) as the Settlement
4 Administrator.

5 11. The proposed payment of no more than \$7,500 in costs to Apex for its services as
6 the Settlement Administrator is conditionally approved.

7 12. The Court hereby preliminarily approves the allocation of \$25,000 of the Gross
8 Fund Value Amount to Plaintiff’s PAGA claims. Of this amount, 75% will be paid to the Labor
9 and Workforce Development Agency (“LWDA”) and the remaining 25% will be distributed to
10 the Aggrieved Employees. At the Final Approval Hearing, the Court will determine the
11 sufficiency of the PAGA payment. If the Court decides to award less than the amounts set forth
12 by the Parties, then excess amount will become part of the available Net Settlement Amount.

13 13. The Court approves, as to form and content, the Notice in substantially the form
14 attached as Exhibit A to the Settlement. The Court approves the procedure for Class Members to
15 participate in, to opt out of, and to object to, the Settlement as set forth in the Notice of
16 Settlement.

17 14. The Court directs the mailing of the Notice by first class mail to Class Members
18 in accordance with the implementation schedule set forth in Paragraph 16 below. The Court
19 finds the dates selected for the mailing and distribution of the Notice, as set forth in the
20 Implementation Schedule, meet the requirements of due process and provide the best notice
21 practicable under the circumstances and shall constitute due and sufficient notice to all persons
22 entitled thereto.

23 15. To facilitate administration of the Settlement pending final approval, the Court
24 hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any claims, suits or
25 administrative proceedings (including, but not limited to, filing claims with the Division of
26 Labor Standards Enforcement of the California Department of Industrial Relations) regarding
27 claims released by the Settlement unless and until such Class Members have filed valid Requests
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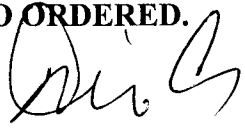
1 for Exclusion with the Settlement Administrator and the time for filing valid Requests for
2 Exclusion with the Settlement Administrator has elapsed. This provision shall not apply to
3 claims not alleged in the Action.

4 16. The Court orders the following **Implementation Schedule** for further
5 proceedings:

6 a.	Deadline for Defendant to submit Class Data to Settlement Administrator:	[10 business days after entry of the Preliminary Approval Order]
7 b.	Deadline for Settlement Administrator to Mail the Notice to Class Members	[10 business days after receipt of the Class Data]
8 c.	Deadline for Class Members to Postmark Requests for Exclusion Forms	[45 days after mailing of Notice to Class Members]
9 d.	Deadline for Receipt by Court and Counsel of any Objections to the Settlement	[45 days after mailing of Notice to Class Members]
10 e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement	[16 Court days before Final Approval Hearing]
11 f.	Deadline for Class Counsel to file Motion for Attorneys' Fees, Costs and Service Awards	[16 Court days before Final Approval Hearing]
12 g.	Final Approval Hearing and Final Approval	<u>11-30</u> , 2023 <u>@ 9:00am</u>

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23 **IT IS SO ORDERED.**

24 Dated: 7/17/, 2023

25 BY 
26 Honorable David S. Cohn
27 San Bernardino Superior Court Judge
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