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FILED
Superior Court of California
County of Sacramento
06/07/2024
T. Shaddix, Deputy

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF SACRAMENTO**

13 KING GARCIA, individually and on behalf of
14 others similarly situated;

15 Plaintiff,

16 vs.

17 CITY WIDE PROPERTY SERVICES, INC., a
18 California corporation; and DOES 1 through
19 100, inclusive,

20 Defendants.

Case No.: 34-2022-00328787 (lead case)
Consolidated with Case No. 23 CV005878

*Assigned for all purposes to the Hon. Jill Talley,
Dept. 27*

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

Date: May 17, 2024

Time: 9:00 a.m.

Dept: 23

Reservation No. A-328787-001

25 RICHARD ARRIAGA, as an aggrieved
26 employee and Private Attorney General,

27 Plaintiff,

28 vs.

CITY WIDE PROPERTY SERVICES, INC., a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

1 **[PROPOSED] ORDER**

2 The Motion of Plaintiffs King Garcia and Richard Arriaga (“Plaintiffs”) for Preliminary
3 Approval of Class Action and PAGA Settlement (“Motion”) came regularly for hearing before this
4 Court. The Court, having fully reviewed Plaintiffs’ Motion, the Memorandum of Points and
5 Authorities and Declarations filed in support thereof, the Parties’ Joint Stipulation of Class Action
6 and PAGA Settlement and amendments thereto attached as Exhibits 1 and 2 to the Declaration of
7 Heather Davis (“Settlement” or “Settlement Agreement”) filed concurrently with the Motion, and
8 the proposed Notice of Settlement (“Notice”), and in recognition of the Court’s duty to make a
9 preliminary determination as to the reasonableness of any proposed Class Actions settlement, and
10 if preliminarily determined to be reasonable, to ensure proper notice is provided to Class Members
11 in accordance with due process requirements; and to conduct a Final Approval hearing as to the
12 good faith, fairness, adequacy and reasonableness of any proposed settlement, THE COURT
13 HEREBY MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:

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

22 All current and former hourly-paid, non-exempt employees of City Wide Property
23 Services Inc., who were employed by City Wide Property Services Inc., in the State
24 of California at any time between October 21, 2018, and December 31, 2023.

25 2. For purposes of the Settlement only, the Court designates Plaintiffs King Garcia
26 and Richard Arriaga as the Class Representatives and designates Protection Law Group, LLP,
27 Lawyers for Justice, PC, JCL Law Firm, PC, and Zakay Law Group APC as Class Counsel.

28 3. The Court designates Apex Class Action Administration as the third-party

1 Settlement Administrator.

2 4. The Parties are ordered to implement the Settlement according to the terms of the
3 Settlement Agreement.

4 5. The Court approves, as to form and content, the Court Approved Notice of Class
5 and PAGA Action Settlement (“Class Notice”) attached as **Exhibit A** to the Settlement
6 Agreement as amended by the First Amendment to the Joint Stipulation of Class Action and
7 PAGA Settlement.

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

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

22 8. Within fourteen (14) calendar days of the issuance of this Order, Defendant shall
23 provide the Settlement Administrator with the Class Member information specified in the
24 Stipulation of Settlement.

25 9. Within seven (7) calendar days after receipt of the Class Member information from
26 Defendant, the Settlement Administrator shall mail the Class Notice to the members of the Class
27 in accordance with the terms of the Settlement.

28 10. The hearing on Plaintiffs’ Motion for Final Approval of Settlement on the question

1 of whether the Settlement should be finally approved as fair, reasonable, and adequate is
2 scheduled in Department 10A of this Court, located at 720 9th Street, Sacramento, California
3 95814 in Department 23, on ~~JFHBJ~~, at ~~11:00~~ a.m. / ~~p.m.~~

4 11. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
5 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment
6 granting final approval of the Settlement should be entered; and (c) whether Plaintiffs' application
7 for an enhancement payment, settlement administration costs, and Class Counsel's attorneys' fees
8 and costs, should be granted.

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

14 13. An implementation schedule is below:

| Event | Date |
|---|---|
| Defendants to provide class contact information and tax rate information to the Settlement Administrator no later than: | _____ [14 calendar days following preliminary approval] |
| Settlement Administrator to mail the Class Notice to the Class Members 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 Class Notice] |

1 Deadline for Plaintiffs to file Motion for Final Approval of
2 Class Action and PAGA Settlement:

[16 court days before the Final
Approval Hearing]

5 Hearing on Motion for Final Approval of Settlement:
6 [suggested date September 10, 2024)

~~JILL TALLEY~~

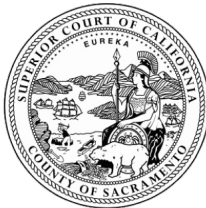
~~JILL TALLEY~~

9 14. Pending the Final Approval hearing, all proceedings in this Action, other than
10 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
11 Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court
12 hereby enjoins Plaintiffs and all members of the Class from filing or prosecuting any claims, or
13 suits regarding claims released by the Settlement, unless and until such Class Members have filed
14 valid Requests for Exclusion with the Settlement Administrator.

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

19 **IT IS SO ORDERED.**

20 Date: 06/07/2024



Jill Talley

21 HON. JILL TALLEY
22 JUDGE OF THE SUPERIOR COURT