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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

FILED
Superior Court of California
County of Los Angeles

06/05/2024

David W. Slayton, Executive Officer / Clerk of Court

By: A. He Deputy

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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.

19 3. The Net Settlement Amount available for Individual Class Payments after deducting the
20 Court-approved amounts for the Individual PAGA Payments (\$20,000.00), LWDA PAGA Payment
21 (\$60,000.00), Class Representative Service Payments (an amount not to exceed \$10,000.00 each to
22 Plaintiffs Darrell White, Omar Hernandez, Tyana Rainey, and Arturo Montano, as well as an amount
23 not to exceed \$15,000.00 to Plaintiff Dorick Maheia), Class Counsel Fees Payment (not more than one-
24 third of the Gross Settlement Amount, which is currently estimated to be \$450,000.00), Class Counsel
25 Litigation Expenses (up to \$50,000), and the Administration Expenses Payment (\$13,500) is currently
26 estimated to be \$701,500.00. The Court will not approve the Class Counsel Award or Class
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1 Representative Service Award until the Final Approval Hearing. The Court has reviewed the monetary
2 recovery that is being granted as part of the Settlement and preliminarily finds that the monetary
3 settlement awards made available to Class Members is fair, adequate, and reasonable when balanced
4 against the probable outcome of further litigation relating to certification, liability, and damages issues.

5 4. A final fairness hearing on the question of whether the proposed Settlement, attorneys'
6 fees to Class Counsel, costs of administration and the Class Representative Service Payment to Plaintiff
7 should be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled
8 in Department 1 on the date and time set forth in the implementation schedule in Paragraph 11 below.

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

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

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

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

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

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

3 11. The Court confirms the appointment of Apex Class Action LLC as the Settlement
4 Administrator.

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

6 a.	Deadline for Defendants to Submit Class Data to Settlement Administrator	15 calendar days after Order granting Preliminary Approval
7 b.	Deadline for Settlement Administrator to Mail Class Notice to Class Members	14 calendar days after receiving Class Data from Defendants
8 c.	Deadline for Class Members to Postmark Requests for Exclusion	45 calendar days after mailing of the Notice
9 d.	Deadline for Receipt by Court, Settlement Administrator, and Counsel of any Objections to Settlement	45 calendar days after mailing of the Notice
10 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
11 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
12 g.	Final Fairness Hearing and Final Approval	October 7, 2024 at 10:30 a.m.
13 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

13. 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.

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

IT IS SO ORDERED.



Stuart M. Rice

Stuart M. Rice / Judge

Dated: _____

HON. STUART M. RICE
JUDGE OF THE SUPERIOR COURT