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ANGEL DIAZ

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ**

ANGEL DIAZ, individually, and on behalf of  
other members of the general public similarly  
situated, and as an aggrieved employee and  
Private Attorney General,

Plaintiff,

vs.

ALBERI PLASTERING, INC., a California  
corporation; and DOES 1 through 50,  
inclusive,

Defendants.

Case No.: 23CV01741

*Assigned for All Purposes to: Hon. Syda  
Kosofsky Cogliati, Dept. 5*

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

Date: August 30, 2024  
Time: 8:30 a.m.  
Dept: 5

Complaint Filed: July 21, 2023  
FAC Filed: September 25, 2023  
Trial: None Set

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**[PROPOSED] ORDER**

The Motion of Plaintiff Angel Diaz (“Plaintiff”) for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) came regularly for hearing before this Court on August 30, 2024. The Court, having considered the proposed Joint Stipulation of Class Action and PAGA Settlement (“Settlement” or “Settlement Agreement” or “Agreement”) attached as **Exhibit 1** to the Declaration of Heather M. Davis filed concurrently with the Motion; having considered Plaintiff’s Motion for Preliminary Approval of Class Action and PAGA Settlement, having considered the Declaration of Angel Diaz, the 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 Defendant Alberi Plastering, Inc. employed in the state of California at any time during July 21, 2019 through and ending on April 24, 2024.

2. For purposes of the Settlement only, the Court designates Plaintiff Angel Diaz as the 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 Court Approved Notice of Class  
2 and PAGA Action Settlement (“Class Notice”) attached as **Exhibit A** to the Settlement  
3 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 Class Notice and the Settlement Agreement. The  
14 procedures and requirements for filing objections in connection with the final fairness hearing are  
15 intended to ensure the efficient administration of justice and the orderly presentation of any Class  
16 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 Class Notice to the  
19 members of the Class in accordance with the terms of the Settlement.

20           9.       The Class Notice shall provide 60 calendar days’ notice (plus an additional 15 days  
21 for Class Members whose Class Notice is re-mailed) for Class Members to submit disputes, optout  
22 of, or object to the Settlement.

23           10.      The hearing on Plaintiff’s Motion for Final Approval of Settlement on the question  
24 of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled  
25 in Department 5 of this Court, located at 701 Ocean Street, Santa Cruz, California 95060 on  
26 January 27, 2025, at 8:30 a.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 payments, settlement administration costs, and Class Counsel's attorneys' fees and costs,  
3 should be granted.

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

9 13. An implementation schedule is below:

<b>Event</b>	<b>Date</b>
Defendant to provide class contact information and tax rate information to the Settlement Administrator no later than:	September 13, 2024 [14 calendar days following preliminary approval]
Settlement Administrator to mail the Class Notice to the Class Members no later than:	September 20, 2024 [7 calendar days following provision of contact information]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	November 19, 2024 [60 calendar days after mailing of the Class Notice]
Deadline for Plaintiffs to file Motion for Final Approval of Class Action and PAGA Settlement:	January 2, 2025
Hearing on Motion for Final Approval of Settlement:	January 27, 2025

