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16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **COUNTY OF LOS ANGELES**

18 SALVADOR CORTEZ, individually and on
19 behalf of others similarly situated,

20 Plaintiff,

21 vs.

22 DIRECT PAINTING & DECORATING,
23 INC., a California corporation; and DOES 1
24 through 50, inclusive,

25 Defendants.

Case No. 23STCV02248
Consolidated with Case No. 23STCV07806

*Assigned for All Purposes to: Judge William F.
Highberger, Department 10*

CLASS ACTION

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

Hearing Date: November 20, 2024
Hearing Time: 11:00 a.m.
Department: 10

Complaint Filed: February 1, 2023
Trial Date: None Set

FILED
Superior Court of California
County of Los Angeles
11/20/2024

David W. Slayton, Executive Officer / Clerk of Court

By: E. Muñoz Deputy

1 **[PROPOSED] ORDER**

2 The Motion of Plaintiff Salvador Cortez (“Plaintiff”) for Preliminary Approval of Class
3 Action and PAGA Settlement (“Motion”) came regularly for hearing before this Court. The Court,
4 having fully reviewed Plaintiff’s Motion, the Memorandum of Points and Authorities and
5 Declarations filed in support thereof, the Parties’ Joint Stipulation for Class Action and PAGA
6 Settlement attached to the Declaration of Heather Davis (“Settlement” or “Settlement Agreement”)
7 filed concurrently with the Motion, and the proposed Notice of Class Action Settlement (“Notice”),
8 and in recognition of the Court’s duty to make a preliminary determination as to the reasonableness
9 of any proposed Class Action settlement, and if preliminarily determined to be reasonable, to
10 ensure proper notice is provided to Class Members in accordance with due process requirements;
11 and to conduct a Final Approval hearing as to the good faith, fairness, adequacy and reasonableness
12 of any proposed settlement, THE COURT HEREBY MAKES THE FOLLOWING
13 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 Defendant Direct
23 Painting, Inc., who worked for Defendant Direct Painting, Inc., in the State of
24 California at any time between February 1, 2019, through May 31, 2024.

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

27 3. The Court designates Apex Class Action, LLC as the third-party Settlement
28 Administrator.

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

3 5. The Court approves, as to form and content, the Court Approved Notice of Class
4 Action Settlement and Hearing Date for Final Court Approval (“Class Notice”) attached as
5 **Exhibit A** to the Settlement Agreement.

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

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

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

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

26 10. The hearing on Plaintiff’s Motion for Final Approval of Settlement on the question
27 of whether the Settlement should be finally approved as fair, reasonable, and adequate is
28 scheduled in Department 10 of this Court, located at the Spring Street Courthouse, 312 N Spring

1 St., Los Angeles, CA 90012, on _____, at ____ a.m. / p.m.

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

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

12 13. An implementation schedule is below:

Event	Date
Defendant to provide Class List to the Settlement Administrator no later than:	FCB EB _____ [14 calendar days following preliminary approval]
Settlement Administrator to mail the Class Notice to the Class Members no later than:	FCB EB _____ [7 calendar days following provision of contact information]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	CBFB _____ [60 calendar days after mailing of the Class Notice]
Deadline for Plaintiff to file Motion for Final Approval of Class Action and PAGA Settlement:	HEB EB _____

	[16 court days before the Final Approval Hearing]
Hearing on Motion for Final Approval of Settlement: [suggested date _____)	IT IS SO ORDERED

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

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

IT IS SO ORDERED.

Date: 11/20/2024



HON. WILLIAM F. HIGHBERGER
JUDGE OF THE SUPERIOR COURT