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Attorneys for Plaintiff and the Proposed Class

**FILED**  
Superior Court of California  
County of Los Angeles

01/15/2025

David W. Slayton, Executive Officer / Clerk of Court

By:                     T. Lewis                     Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

DIYARI CORRAL-BEY, an individual, on  
behalf of herself and others similarly situated,

PLAINTIFF,

v.

FLUOR FLATIRON BALFOUR BEATTY  
DRAGADOS DBJV (DBA LINXS); and  
DOES 1 thru 50, inclusive,

DEFENDANTS.

CASE NO. 22STCV20310

[Case Assigned for All Purposes to Hon. David  
S. Cunningham in Dept. 11]

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

*[Filed concurrently with Motion for  
Preliminary Approval of Class Action and  
PAGA Settlement; and Declarations of Liane  
Katzenstein Ly, Diyari Corral-Bey, and Sean  
Hartranft of Apex Class Action LLC,]*

Date: January 15, 2025

Time: 10:00 A.M.

Dept.: 11

Complaint Filed: July 22, 2022

Trial Date: None Set

1 **PROPOSED ORDER**

2 The Motion for Preliminary Approval of the Class Action and PAGA Settlement came  
3 before this Court on January 15, 2025, the Honorable David S. Cunningham, presiding. The Court,  
4 having considered the papers submitted in support of the motion of the parties, **HEREBY**  
5 **ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the proposed settlement based upon the  
7 terms set forth in the Class Action and PAGA Settlement Agreement (“Agreement” or  
8 “Settlement”) filed herewith. The Agreement appears to be fair, adequate, and reasonable to the  
9 Class. The Court finds that: (a) the Agreement resulted from extensive arm’s length negotiations;  
10 and (b) the Agreement is sufficient to warrant notice of the Agreement to persons in the Class and  
11 a full hearing regarding final approval of the Agreement.

12 2. For purposes of this Order, the proposed Class is defined as follows:

13 All non-exempt employees who are employed or have been  
14 employed by FLUOR FLATIRON BALFOUR BEATTY  
15 DRAGADOS DBJV (DBA LINXS), in the State of California since  
16 four (4) years prior to the filing of this action to the present plus any  
17 additional time during which the statutes of limitation for the causes  
18 of action herein were tolled pursuant to Emergency Rule 9 of the  
19 California Rules of Court, the ‘Emergency Rules Related to  
20 COVID-19’. (“Class Members” or “Class”)

21 3. The Class Period is June 22, 2018 to June 10, 2024.

22 4. For purposes of this Order, the proposed Class is defined as follows:

23 All non-exempt employees who are employed or have been  
24 employed by Fluor Flatiron Balfour Beatty Dragados (DBA  
25 LINXS), in the State of California during the PAGA Period.”  
26 (“Aggrieved Employees”)

27 5. The PAGA Period is June 22, 2021 to June 10, 2024

28 6. The Agreement falls within the range of reasonableness and appears to be  
presumptively valid, subject only to any objections that may be raised at the final fairness hearing  
and final approval by this Court.

7. The Court makes the following preliminary findings for settlement purposes only:

A. The Class, which consists of approximately 1150 persons, is so numerous

1 that joinder of all members is impracticable;

2 B. There appear to be questions of law or fact common to the Class for purposes  
3 of determining whether this Settlement should be approved;

4 C. Plaintiff's claims appear to be typical of the claims being resolved through  
5 the proposed settlement;

6 D. Plaintiff appears to be capable of fairly and adequately protecting the  
7 interests of the Class Members in connection with the proposed settlement;

8 E. Common questions of law and fact appear to predominate over questions  
9 affecting only individual persons in the Class. Accordingly, the Class  
10 appears to be sufficiently cohesive to warrant settlement by representation;  
11 and

12 F. Certification of the Class appears to be superior to other available methods  
13 for the fair and efficient resolution of the claims of the Class.

14 8. The Court approves, as to form and content, the Notice of Class Action Settlement  
15 to Class Members in substantially the form attached to the Agreement as Exhibit "A".

16 9. The Court approves the procedure for Class Members to opt out to the Agreement  
17 as set forth in the Agreement and the Notice of Class Action Settlement.

18 10. The Court approves the procedure for Class Members to object to the Agreement  
19 as set forth in the Agreement and the Notice of Class Action Settlement.

20 11. The Court directs the mailing of the Notice of Class Action Settlement and related  
21 documents to members of the Class by first class mail in accordance with the Agreement and the  
22 implementation schedule set forth below. The Court finds that the dates selected for the mailing  
23 and distribution of the notice, as set forth in the following implementation schedule, meet the  
24 requirements of due process and provide the best notice practicable under the circumstances and  
25 shall constitute due and sufficient notice to all persons entitled thereto.

26 12. It is ordered that the settlement Class is preliminarily certified for settlement  
27 purposes only.

28 13. The Court confirms Eric B. Kingsley and Liane Katzenstein Ly of KINGSLEY  
SZAMET & LY as Class Counsel.

14. The Court confirms Diyari Corral-Bey as Class Representative.

1 15. The Court approves Apex Class Action Administration as the Administrator.

2 16. The Court orders that pursuant to the California Private Attorneys General Act,  
3 Labor Code §§ 2698, et seq. (“PAGA”), statutory notice of this Agreement has been and will  
4 continue to be given to the Labor & Workforce Development Agency.

5 17. A final fairness hearing on the question of whether the proposed Agreement,  
6 attorneys’ fees and costs to Class Counsel, the PAGA payment, and the claims administration costs  
7 should be finally approved as fair, adequate, and reasonable as to the members of the Class is  
8 scheduled for ~~10/15/2020~~ ~~at 10:00 AM~~ (Pacific Time), in Department 11.

9 18. The Court orders the following Implementation Schedule for further proceedings:

11 a.	Preliminary Approval Granted	_____
12 b.	Deadline for Defendant to Provide Class Members’ 13 Information to Administrator	15 calendar days from Entry of Preliminary Approval
14 c.	Administrator Shall Mail Notice to Class Members	14 calendar days from receipt of the Class List from Defendant
15 d.	Deadline for Postmark of Any Request for Exclusion	60 Days from Mailing of Notices
16 e.	Deadline for Postmark of Any Objection	60 Days from Mailing of Notices
17 f.	Deadline for Class Counsel to file Motion for Final 18 Approval of Class Settlement	To be determined by the Court
19 g.	Deadline for Class Counsel to file Motion for Attorneys’ 20 Fees	To be determined by the Court
21 h.	Final Approval Hearing	<del>10/15/2020 at 10:00 AM</del>

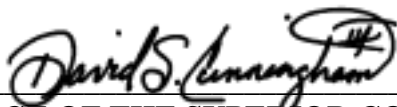
22 19. IT IS FURTHER ORDERED that if the Court does not execute and file an Order  
23 of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the  
24 “Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the  
25

1 subject of this Order shall become null, void, unenforceable and inadmissible in any judicial,  
2 administrative or arbitral proceeding for any purpose, and all evidence, court orders and  
3 proceedings had in connection therewith, shall be without prejudice to the status quo ante rights  
4 of the Parties to the litigation, as more specifically set forth in the ("Agreement.

5 20. IT IS FURTHER ORDERED that, pending further Order of this Court, all  
6 proceedings in this matter except those contemplated herein and in the Agreement are hereby  
7 stayed.

8 21. The Court expressly reserves the right to adjourn or continue the Final Fairness  
9 Hearing from time to time without further notice to members of the Class.

10  
11 DATED: 01/15/2025 \_\_\_\_\_

  
\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

(PROOF OF SERVICE)  
[CCP 1013(a)(3)]

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On September 13, 2024, I served all interested parties in this action the following documents described as: **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

<p><b>FISHER &amp; PHILLIPS LLP</b> Lonnie D. Giamela lgiamela@fisherphillips.com Sara Watar swatar@fisherphillips.com 444 South Flower Street, Suite 1500 Los Angeles, CA 90071  <i>Attorneys for Defendant</i></p>	<p><b>ABRAMSON LABOR GROUP</b> William Zev Abramson wza@abramsonlabor.com 11846 Ventura Blvd, Suite 100 Studio City, CA, 91604  <i>Attorneys for Plaintiff</i></p>
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**[XX] (BY ELECTRONIC MAIL THROUGH CASE ANYWHERE)** On interested parties set forth on the attached service list.

**[XX] (BY ELECTRONIC SERVICE):** I caused a true and correct copy thereof to be electronically filed using the Labor and Workforce Development Agency Electronic Filing (“EF”) System (<https://dir.tfaforms.net/308>) and service was completed by electronic means by transmittal of the documents referenced herein on the EF System.

**[XX] (BY ELECTRONIC SERVICE)** I caused the document to be sent to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

**[XX] (STATE)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 13, 2024, at Woodland Hills, California.



Michelle Tanzer