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**FILED**  
Superior Court of California  
County of Alameda  
02/11/2025

Clerk of the Court / Executive Officer / Clerk of the Court  
By: Nicole Hall Deputy  
N. Hall

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF ALAMEDA**

11 JASON PEAVICH, individually, on behalf of  
12 all others similarly situated, and on behalf of the  
State of California and other aggrieved persons,

13 *Plaintiff,*

14 v.

15 LANGAN ENGINEERING AND  
16 ENVIRONMENTAL SERVICES, INC., a  
corporation; and DOES 1 through 10, inclusive,

17 *Defendants.*

Case No.: 23CV047567

**CLASS & REPRESENTATIVE ACTION**

[Assigned for all purposes to: Hon. Noël Wise,  
Dept. 21]

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

[Filed concurrently with: Plaintiff's Notice of  
Motion and Motion for Preliminary Approval  
of Class Action Settlement, Memorandum of  
Points and Authorities; Declaration of Justin  
F. Marquez; and Declaration of Jason  
Peavich]

**PRELIMINARY APPROVAL HEARING**

Date: October 29, 2024  
Time: 1:30 p.m.  
Dept: 21

Complaint filed: October 13, 2023  
FAC filed: August 23, 2024  
Trial date: Not set

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1 The Court has before it Plaintiff Jason Peavich (“Plaintiff”) Motion for Preliminary  
2 Approval of Class Action Settlement. Having reviewed the Motion for Preliminary Approval  
3 of Class Action Settlement, the Declarations of Justin F. Marquez and Plaintiff Jason Peavich,  
4 the Class Action and PAGA Settlement Agreement (which is referred to here as the “Settlement  
5 Agreement”), and good cause appearing, the Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the Settlement Agreement appears to  
7 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.  
8 The Court grants preliminary approval of the Settlement and the Settlement Class based upon  
9 the terms set forth in the Settlement Agreement between Plaintiff and Defendant Langan  
10 Engineering and Environmental Services, Inc. (“Defendant,” and together with Plaintiff, the  
11 “Parties”), attached to the Declaration of Justin F. Marquez in Support of Plaintiff’s Motion for  
12 Preliminary Approval of Class Action Settlement as Exhibit 1.

13 2. The Settlement falls within the range of reasonableness of a settlement which  
14 could ultimately be given final approval by this Court, and appears to be presumptively valid,  
15 subject only to any objections that may be raised at the Final Approval Hearing and final  
16 approval by this Court. The Court notes that Defendant has agreed to create a common fund of  
17 \$305,000.00 to cover (a) settlement payments to class members who do not validly opt out; (b)  
18 a \$10,000.00 payment to settle claims under the Private Attorneys General Act (“PAGA”), with  
19 75% of which (\$7,500.00) being paid to the State of California, Labor & Workforce  
20 Development Agency (“LWDA”) and 25% (\$2,500.00) being paid to the PAGA Members; (c)  
21 Class Representative service payment of up to \$10,000.00 for Plaintiff; (d) Class Counsel’s  
22 attorneys’ fees, not to exceed 35% of the Gross Settlement Amount (\$106,750.00), and up to  
23 \$20,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement  
24 Administration Costs of up to \$6,950.00.

25 3. The Court preliminarily finds that the terms of the Settlement appear to be within  
26 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and  
27 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair  
28 and reasonable to the class members when balanced against the probable outcome of further

1 litigation relating to class certification, liability and damages issues, and potential appeals; (2)  
2 significant informal discovery, investigation, research, and litigation have been conducted such  
3 that counsel for the parties at this time are able to reasonably evaluate their respective positions;  
4 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented  
5 by the further prosecution of the litigation; and (4) the proposed settlement has been reached as  
6 the result of intensive, serious, and non-collusive negotiations between the Parties with the  
7 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds  
8 that the Settlement Agreement was entered into in good faith.

9 4. A final fairness hearing on the question of whether the proposed settlement,  
10 attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement  
11 of claims for penalties under the PAGA, and the class representative's enhancement award  
12 should be finally approved as fair, reasonable and adequate as to the members of the class is  
13 hereby set in accordance with the Implementation Schedule set forth below.

14 5. The Court provisionally certifies for settlement purposes only the following class  
15 (the "Settlement Class"): "all current and former non-exempt employees of Defendant employed  
16 in California during the Class Period."

17 6. "Class Period" means the period from October 13, 2019 to June 30, 2024.

18 7. The Court finds, for settlement purposes only, that the Settlement Class meets the  
19 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the  
20 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions  
21 of law and fact that are common, or of general interest, to all Settlement Class Members, which  
22 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the  
23 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect  
24 the interests of the Settlement Class Members; and (5) a class action is superior to other  
25 available methods for the fair and efficient adjudication of the controversy.

26 8. The Court appoints as Class Representative, for settlement purposes only,  
27 Plaintiff Jason Peavich. The Court further preliminarily approves Plaintiff's ability to request  
28 an incentive award up to \$10,000.00.

1 9. The Court appoints, for settlement purposes only, Justin F. Marquez, Arrash T.  
2 Fattahi, and Arman A. Salehi of Wilshire Law Firm, PLC as Class Counsel. The Court further  
3 preliminarily approves Class Counsel's ability to request attorneys' fees of up to 35% of the  
4 Total Settlement Amount (\$106,750.00), and costs not to exceed \$20,000.00.

5 10. The Court appoints Apex Class Action Administration as the Settlement  
6 Administrator with reasonable administration costs estimated not to exceed \$6,950.00.

7 11. The Court approves, as to form and content the Class Notice, attached to the  
8 Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the  
9 Notice to Settlement Class Members satisfies due process, provides the best notice practicable  
10 under the circumstances, and shall constitute due and sufficient notice to all persons entitled  
11 thereto.

12 12. The Parties are ordered to carry out the Settlement according to the terms of the  
13 Settlement Agreement.

14 13. Any class member who does not timely and validly request exclusion from the  
15 settlement may object to the Settlement Agreement.

16 14. The Court orders the following Implementation Schedule:

17 Defendant to provide Class List to the 18 Settlement Administrator	21 days after notice of entry of the Court's order granting Motion for Preliminary Approval
19 Settlement Administrator to mail the Notice	14 days after receipt of the Class List from Defendant
20 Response Deadline	45 days after Notice is mailed out by the Settlement Administrator
21 Deadline to file Motion for Final Approval, 22 Request for Attorneys' Fees and Costs, and 23 Service Award to Plaintiff	16 court days before hearing on Motion for Final Approval, which is _____;
24 Final Approval Hearing	25 <u>8/19/25</u> at <u>2:30</u> a.m./p.m., or


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	first available date thereafter, in Department 21. The hearing may be continued to another date without further notice to the Class Members.
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15. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

**IT IS SO ORDERED.**

DATE: ~~03/13/21~~

  
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Hon. Neel Wise  
Alameda County Superior Court

<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b>	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	<b>FILED</b> Superior Court of California County of Alameda 02/13/2025
PLAINTIFF/PETITIONER: Jason Peavich	Chad Finke, Executive Officer / Clerk of the Court By: <u><i>Nicole Hall</i></u> Deputy N. Hall
DEFENDANT/RESPONDENT: Langan Engineering and Environmental Services, Inc., a corporation	
<b>CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6</b>	CASE NUMBER: 23CV047567

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order Granting Plaintiffs Motion for Preliminary Approval of Class Action Settlement entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

James Thomas Jones  
Jackson Lewis, P.C.  
james.jones@jacksonlewis.com

Justin F Marquez  
Wilshire Law Firm, PLC  
justin@wilshirelawfirm.com

Dated: 02/13/2025

Chad Finke, Executive Officer / Clerk of the Court

By:

*Nicole Hall*

N. Hall, Deputy Clerk