

1 Arrash T. Fattahi (SBN 333676)
arrash.fattahi@wilshirelawfirm.com
2 Arman A. Salehi (SBN 351112)
arman.salehi@wilshirelawfirm.com
3 **WILSHIRE LAW FIRM**

4 660 S. Figueroa Street, Sky Lobby
Los Angeles, CA 90017
5 Telephone: (213) 381-9988
6 Facsimile: (213) 381-9989

7 Attorneys for Plaintiffs

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

JUL 07 2025

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF ORANGE**

10 MICHAEL MILLER, individually, on behalf of
11 all others similarly situated, and on behalf of the
State of California and other aggrieved persons;
12 JOHN AMATO, individually, and on behalf of
all others similarly situated,

13 *Plaintiffs,*

14 v.

15 KASTLE SYSTEMS INTERNATIONAL LLC.
16 a limited liability company; and DOES 1 through
10, inclusive,

17 *Defendants.*

Case No.: 30-2023-01345211-CU-OE-CXC

CLASS & REPRESENTATIVE ACTION

[Assigned for all purposes to: Hon. William
D. Claster, Dept. CX101]

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

1 The Court has before it Plaintiffs Michael Miller and John Amato's (collectively,
2 "Plaintiffs") Motion for Preliminary Approval of Class Action Settlement. Having reviewed
3 the Motion for Preliminary Approval of Class Action Settlement, the accompanying
4 declarations, the Class Action and PAGA Settlement Agreement and Class Notice (which is
5 referred to here as the "Settlement Agreement"), and good cause appearing, the Court hereby
6 finds and orders as follows:

7 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
8 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
9 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
10 the terms set forth in the Settlement Agreement between Plaintiffs and Defendant Kastle
11 Systems International LLC ("Defendant," and together with Plaintiffs, the "Parties"), attached
12 to the Declaration of Arrash T. Fattahi in Support of Plaintiffs' Motion for Preliminary Approval
13 of Class Action Settlement as Exhibit 2.

14 2. The Settlement falls within the range of reasonableness of a settlement which
15 could ultimately be given final approval by this Court, and appears to be presumptively valid,
16 subject only to any objections that may be raised at the Final Approval Hearing and final
17 approval by this Court. The Court notes that Defendant has agreed to create a common fund of
18 \$325,000.00 to cover (a) settlement payments to class members who do not validly opt out; (b)
19 a \$10,000.00 payment to the State of California, Labor & Workforce Development Agency
20 ("LWDA") for its share of the settlement of claims for penalties under the Private Attorneys
21 General Act ("PAGA"), with 75% of which (\$7,500.00) being paid to the LWDA and 25%
22 (\$2,500.00) being paid to eligible Aggrieved Employees; (c) Class Representative service
23 payments of up to \$7,500.00 for Plaintiff Miller and \$5,000.00 for Plaintiff Amato; (d) Class
24 Counsel's attorneys' fees, not to exceed 1/3 of the Gross Settlement Amount (\$108,333.33), and
25 up to \$25,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e)
26 Settlement Administration Costs of up to \$6,490.00.

27 3. The Court preliminarily finds that the terms of the Settlement appear to be within
28 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and

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

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

16 5. The Court provisionally certifies for settlement purposes only the following class
17 (the "Settlement Class"): "all individuals who are or previously were employed by Kastle in
18 California who were classified as non-exempt employees during the Class Period."

19 6. "Class Period" means the period from March 4, 2019 to September 10, 2024.

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

28 8. The Court appoints as Class Representatives, for settlement purposes only,

WDL

1 Plaintiffs Miller and Amato. ~~The Court further preliminarily approves Plaintiffs' ability to~~
2 ~~request incentive awards up to \$7,500.00 for Plaintiff Miller and \$5,000.00 for Plaintiff Amato.~~

WDL

3 9. The Court appoints, for settlement purposes only, Arrash T. Fattahi and Arman
4 A. Salehi of Wilshire Law Firm, PLC as Class Counsel. ~~The Court further preliminarily~~
5 ~~approves Class Counsel's ability to request attorneys' fees of up to one third of the Gross~~
6 ~~Settlement Amount (\$108,333.33), and costs not to exceed \$25,000.00.~~

7 10. The Court appoints Apex Class Action Administrators as the Settlement
8 Administrator with reasonable administration costs estimated not to exceed \$6,490.00.

9 11. The Court approves, as to form and content the Class Notice, attached to the
10 Supplemental Declaration of Arrash T. Fattahi in Support of Plaintiffs' Motion for Preliminary
11 Approval of Class Action Settlement as Exhibit C. The Court finds on a preliminary basis that
12 plan for distribution of the Notice to Settlement Class Members satisfies due process, provides
13 the best notice practicable under the circumstances, and shall constitute due and sufficient notice
14 to all persons entitled thereto.

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

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

19 14. The Court orders the following Implementation Schedule:

| | |
|--|---|
| 20 Defendant to provide Class List to the 21 Settlement Administrator | 15 days after notice of entry of the Court's order granting Motion for Preliminary Approval |
| 22 Settlement Administrator to mail the Notice 23 Packets | 14 days after receipt of the Class List from Defendant |
| 24 Response Deadline | 45 days after Notice is mailed out by the Settlement Administrator |
| 25 Deadline to file Motion for Final Approval, | 16 court days before hearing on Motion for |

| | |
|--|--|
| <p>1 Request for Attorneys' Fees and Costs, and 2 Service Awards to Plaintiffs</p> | <p>Final Approval, which is <u>November 10, 2025.</u></p> |
| <p>3 4 Final Approval Hearing</p> | <p><u>December 5, 2025 at 9:00 a.m.</u> in Department CX101. The hearing may be continued to another date without further notice to the Class Members.</p> |

7 15. The Court further ORDERS that, pending further order of this Court, all proceedings
8 in this lawsuit, except those contemplated herein and in the settlement, are stayed.

9 **IT IS SO ORDERED.**

10
11
12 DATE: 7-7-25

13 William D. Claster
14 Hon. William D. Claster
15 Orange County Superior Court

