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

KAION SMITH, individually, and on behalf of  
all others similarly situated,

*Plaintiff,*

v.

SILGAN CONTAINERS MANUFACTURING  
CORPORATION, a corporation; SILGAN  
CONTAINERS LLC, a limited liability  
company; and DOES 1 through 10, inclusive,

*Defendants.*

Case No.: 23STCV17946

**CLASS ACTION**

[Assigned for all purposes to: Hon. Carolyn  
B. Kuhl, Dept. 12]

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

[Filed with Notice of Motion and Motion,  
Memorandum of Points and Authorities, the  
Declaration of Peter J. Horton, the  
Declaration of Kaion Smith, and Proof of  
Service]

**PRELIMINARY APPROVAL HEARING**

Date: July 23, 2025

Time: 10:00 a.m.

Dept: 12

Complaint filed: July 31, 2023

Trial date: Not set

**FILED**  
Superior Court of California  
County of Los Angeles  
07/23/2025  
David W. Slayton, Executive Officer / Clerk of Court  
By: L. McGreene Deputy

1 The Court has before it Plaintiff Kaion Smith's ("Plaintiff") Motion for Preliminary  
2 Approval of Class Action Settlement. Having reviewed the Motion for Preliminary Approval  
3 of Class Action Settlement, the Declaration of Peter J. Horton, the Class Action Settlement  
4 Agreement (which is referred to here as the "Settlement Agreement"), and good cause  
5 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 Kaion Smith and Defendants  
10 Silgan Containers Manufacturing Corporation and Silgan Containers LLC (collectively,  
11 "Defendants" or "Silgan"), attached to the Declaration of Peter J. Horton in Support of  
12 Plaintiff's Motion for 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 Defendants have agreed to create a common fund  
17 of \$200,000.00 to cover (a) settlement payments to class members who do not validly opt out;  
18 (b) Class Representative service payment of up to \$5,000.00 for Plaintiff Kaion Smith; (c) Class  
19 Counsel's attorneys' fees, not to exceed 35% of the Gross Settlement Amount (\$70,000.00), and  
20 up to \$25,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (d)  
21 Settlement Administration Costs of up to \$6,000.00.

22 3. The Court preliminarily finds that the terms of the Settlement appear to be within  
23 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and  
24 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair  
25 and reasonable to the class members when balanced against the probable outcome of further  
26 litigation relating to class certification, liability and damages issues, and potential appeals; (2)  
27 significant informal discovery, investigation, research, and litigation have been conducted such  
28 that counsel for the parties at this time are able to reasonably evaluate their respective positions;

(3) settlement at this time will avoid substantial costs, delay, and risks that would be presented by the further prosecution of the litigation; and (4) the proposed settlement has been reached as the result of intensive, serious, and non-collusive negotiations between the Parties with the assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds that the Settlement Agreement was entered into in good faith.

4. A final fairness hearing on the question of whether the proposed settlement, attorneys' fees and costs to Class Counsel, payment to the State of California, Labor & Workforce Development Agency for its share of the settlement of claims for penalties under the Private Attorneys General Act, and the class representative's enhancement award should be finally approved as fair, reasonable and adequate as to the members of the class is hereby set in accordance with the Implementation Schedule set forth below.

5. The Court provisionally certifies for settlement purposes only the following class (the "Settlement Class"): "all persons employed during the Class Period by Silgan at its Antioch, California plant and classified as non-exempt."

6. "Class Period" means the period from July 31, 2019, to December 31, 2025, or such earlier date as determined by Silgan upon exercise of its election under Section 8 of the Agreement.

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

8. The Court appoints as Class Representative, for settlement purposes only, Plaintiff Kaion Smith. The Court further preliminarily approves Plaintiff's ability to request an incentive award up to \$5,000.00.

1           9.       The Court appoints, for settlement purposes only, Tyler Woods, Peter J. Horton,  
2 Alan Wilcox, and Bradford Smith of Wilshire Law Firm, PLC as Class Counsel. The Court  
3 further preliminarily approves Class Counsel's ability to request attorneys' fees of up to 35%  
4 of the Total Settlement Amount (\$70,000.00), and costs not to exceed \$25,000.00.

5           10.     The Court appoints Apex Class Action Administration as the Settlement  
6 Administrator with reasonable administration costs estimated not to exceed \$6,000.00.

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:

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18       Defendants to provide Class List to the 19       Settlement Administrator	14 days after notice of entry of the Court's order granting Motion for Preliminary Approval
21       Settlement Administrator to mail the Notice 22       Packets	14 days after receipt of the Class List from the Defendant
23       Response Deadline	60 days after Notice is mailed out by the Settlement Administrator
25       Deadline to Provide Written Objections, if 26       any	60 days after Notice is mailed out by the Settlement Administrator
27       Deadline to file Motion for Final Approval,	16 court days before hearing on Motion for

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Request for Attorney's Fees and Costs, and Service Award to Plaintiff	Final Approval, which is _____;
Final Approval Hearing	<del>By the Court at the</del> <del>December __, 2025 at ____ a.m./p.m., or</del> first available date thereafter, in Department 12. The hearing may be continued to another date without further notice to the Class Members.

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.**



*Carolyn B. Kuhl*

Carolyn B. Kuhl / Judge

DATE: 07/23/2025

Hon. Carolyn B. Kuhl  
Los Angeles County Superior Court