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FILED
Clerk of the Superior Court
OCT 23 2025
By: V. Contreras, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

DANIEL MCCABE, as an individual and
on behalf of all others similarly situated,
Plaintiff,

vs.

SUMMIT ELECTRICAL, INC., a
California Corporation; and DOES 1
through 100,
Defendants.

Case No. 37-2024-00012319-CU-OE-CTL

[Assigned to Hon. Gregory W. Pollack
Department C-71]

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

Date: October 24, 2025
Time: 9:30 a.m.
Dept.: C-71

Action Filed: March 15, 2024
Trial Date: None Set

[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF SETTLEMENT

1 The Motion of Plaintiff Daniel McCabe ("Plaintiff") for Preliminary Approval of Class
2 Action Settlement came on regularly for hearing before this Court on October 24, 2025 at 9:30
3 a.m. This Court, having considered the proposed Class Action and PAGA Settlement Agreement
4 ("Settlement Agreement") attached as Exhibit 1 to the Declaration of Andrew J. Rowbotham filed
5 concurrently herein; having considered Plaintiff's Motion for Preliminary Approval of Class and
6 PAGA Action Settlement, Memorandum of Points and Authorities in support thereof, and
7 supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE
8 FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set
10 forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement
11 that ultimately could be granted approval by the Court at a Final Approval Hearing. For purposes
12 of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that
13 there is a sufficiently well-defined community of interest among the members of the Settlement
14 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
15 conditional certification of the following Settlement Class:

16 All current and former non-exempt and/or hourly-paid employees
17 who worked for Defendant Summit Electrical, Inc. in the State of
18 California at any time from March 15, 2020 to June 26, 2025 ("Class
Action Period").

19 2. The Settlement Agreement specifies for an attorneys' fees award not to exceed
20 one-third of the Gross Settlement Amount (\$166,666.67), an award of litigation expenses incurred
21 not to exceed \$40,000.00, proposed Class Representative Service Payment to Plaintiff in an
22 amount not to exceed \$10,000.00, and PAGA civil penalties in the amount of \$25,000.00 (25%
23 of which, \$6,250.00 will be paid to PAGA Members). The Court will not approve the amount of
24 attorneys' fees and costs, Service Payment, or PAGA civil penalties, until the Final Approval
25 Hearing.

26 3. For purposes of the Settlement, the Court designates named Plaintiff Daniel
27 McCabe as the Class Representative, and designates Fletcher W. Schmidt, Paul K. Haines,
28 Andrew J. Rowbotham, and Susan J. Perez of Haines Law Group, APC as Class Counsel.

1 4. The Court designates Apex Class Action LLC ("Apex") as the third-party
2 Settlement Administrator for mailing notices.

3 5. The Court approves, as to form and content, the Notice of Class Action Settlement
4 and Notice of Settlement Award ("Settlement Notice") attached as Exhibit A to the Settlement
5 Agreement.

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

13 7. The Court further approves the procedures for the Settlement Class members to
14 opt out of or object to the Settlement, as set forth in the Settlement Notice.

15 8. The procedures and requirements for filing objections in connection with the Final
16 Approval Hearing are intended to ensure the efficient administration of justice and the orderly
17 presentation of any Settlement Class member's objection to the Settlement in accordance with the
18 due process rights of all members of the Settlement Class.

19 9. The Court directs the Settlement Administrator to mail the Settlement Notice to
20 the members of the Settlement Class in accordance with the terms of the Settlement. The Court
21 directs the Settlement Administrator to carry out all duties as required by the Settlement.

22 10. No claim form is required for Settlement Class Members to receive their
23 settlement payment. The Settlement Notice shall provide at least sixty (60) calendar days' notice
24 for members of the Settlement Class to opt out of, or object to the Settlement. Any Request for
25 Exclusion or Objection shall be submitted directly to the Settlement Administrator and not filed
26 with the Court. Upon receipt of any Requests for Exclusion or Objections, the Settlement
27 Administrator shall forward copies of all Requests for Exclusion and Objections to counsel for
28 all parties. The Settlement Administrator shall give notice to any objecting Settlement Class

1 member of any continuance of the hearing on Plaintiff's Motion for Final Approval of Class
2 Action Settlement.

3 11. The Final Approval Hearing on the question of whether the Settlement should be
4 finally approved as fair, reasonable, and adequate is scheduled in Department C-71 of this Court,
5 located at 330 W. Broadway, San Diego, CA 92101 on March 13, 2026 at 9:30 a.m.

6 12. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
7 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
8 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's
9 application for reasonable attorneys' fees, reimbursement of litigation expenses, Service
10 Payment, settlement administration costs, and payment to the Labor & Workforce Development
11 Agency ("LWDA") for penalties under the Labor Code Private Attorneys General Act should be
12 granted.

13 13. Counsel for the parties shall file memoranda, declarations, or other statements and
14 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
15 expenses, Plaintiff's Service Payment, payment to the LWDA, and settlement administration
16 costs, prior to the Final Approval Hearing according to the time limits set by the Code of Civil
17 Procedure and the California Rules of Court.

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14. An implementation schedule is below (assuming preliminary approval is granted on October 24, 2025):


Event	Date
Defendant to provide Settlement Class member information to the Settlement Administrator no later than [14 calendar days after preliminary approval]:	November 7, 2025
Settlement Administrator to mail the Settlement Notice to Settlement Class members no later than [14 calendar days after receiving Settlement Class member information]:	November 21, 2025
Deadline for Settlement Class members to request exclusion from, or object to, the Settlement, or submit a dispute [60 calendar days after mailing]:	January 20, 2026
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement [16 court days before Final Approval Hearing]:	February 19, 2026
Final Approval Hearing:	<input checked="" type="checkbox"/> March 13, 2026 at 9:30 a.m. <input type="checkbox"/> _____ at _____ a.m. / p.m.

15. 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.

16. 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.

Dated: _____, 2025


Hon. Gregory W. Pollack
Judge of the Superior Court