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OCT 01 2025

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF FRESNO

BY \_\_\_\_\_ DEPUTY

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FRESNO COUNTY SUPERIOR COURT  
By: Sonia Nunez, Deputy

Attorneys for Plaintiff TROY DION PROE,  
on behalf of himself and others similarly situated,

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF FRESNO**

TROY DION PROE, on behalf of himself and  
others similarly situated,

Plaintiff,

vs.

XTREME MANUFACTURING, LLC; and  
DOES 1 to 100, inclusive,

Defendants.

Case No.: 24CECG00068

**CLASS AND PAGA ACTION**

*[Assigned for All purposes to the Hon. D. Tyler  
Tharpe, Dept 501]*

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

*[Filed concurrently with Notice of Motion and  
Motion for Preliminary Approval of Class  
Action Settlement; Declaration of Eric J.  
Naessig in Support Thereof]*

Hearing Information:  
Date: August 27, 2025  
Time: 3:30 p.m.  
Dept.: 7

**[PROPOSED] ORDER**

1 The Motion for Preliminary Approval of a Settlement came before this Court on August 27,  
2 2025, at 3:30 p.m., or as soon thereafter as the matter can be heard in Department 501 of the Fresno  
3 County Superior Court located at 1130 "O" Street, Fresno, California 93724. The Court, having  
4 considered the proposed Class Action and PAGA Settlement Agreement and Class Notice entered  
5 into by and between Plaintiff Troy Dion Proe ("Plaintiff") and Defendant Xtreme Manufacturing,  
6 LLC ("Defendant") attached as Exhibit 1 to the Declaration of Eric J. Naessig in Support of  
7 Plaintiff's Motion for Preliminary Approval of Class Action Settlement, and the Exhibits attached  
8 thereto (hereafter collectively, the "Settlement" or "Settlement Agreement"); having considered the  
9 Motion for Preliminary Approval of Class Action Settlement filed by the parties; having considered  
10 the respective points and authorities and declarations submitted by the parties in support thereof; and  
11 good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

18 All persons employed by Defendant in California and classified as an hourly, non-exempt  
19 employee who worked for Defendant during the Class Period. The "Class Period" is the period  
20 from March 2, 2022 through August 7, 2024.

21 2. For purposes of the Settlement only, the Court further designates named Plaintiff Troy  
22 Dion Proe as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., Win Pham,  
23 Esq., and Eric Naessig, Esq., of Lavi & Ebrahimian, LLP as Class Counsel.

24 3. The Court appoints Apex Class Action LLC, as the Settlement Administrator.

25 4. A final fairness hearing on the question of whether the proposed Settlement should be  
26 finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled in  
27 Department 501 of the Fresno County Superior Court located at 1130 "O" Street, Fresno, California  
28

93724 on January 29, 2026, at 3:30 ~~a.m.~~/p.m. in Dept. 501.

5. At the final fairness hearing, the Court will consider: (a) whether the Settlement should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting approval of the Settlement should be entered; and (c) whether Plaintiff's application for an award of Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, and Class Representative Service Payment should be granted.

6. Counsel for the Parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval by no later than 16 court days prior to the final fairness hearing.

7. Class Counsel shall file a motion for an award of Class Counsel Fees Payment, Class Counsel Litigation Expenses Payment, and Class Representative Service Payment no later than 16 court days prior to the final fairness hearing.

8. The Court approves, as to form and content, the Class Notice which is appended to the Settlement Agreement.

9. No later than ten (10) days following the date the Court enters this order, Defendant shall provide the following information to the Settlement Administrator: Class Member identifying information in Defendant's possession including the Class Member's name, last-known mailing address, Social Security number, number of Class Period Workweeks and PAGA Pay Periods. ("Class Data").

10. Within fourteen (14) calendar days after receiving the Class Data, the Settlement Administrator shall disseminate the Class Notice to all the Class Members identified in the Class Data by first-class U.S. Mail.

11. Class Members shall have sixty (60) calendar days from the date the Settlement Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion from the Settlement or fax, email, or mail an Objection to the Settlement ("Response Deadline"). Class Members to whom Notice Packets are resent after having been returned undeliverable to the

1 Administrator shall have an additional fourteen (14) calendar days after the Response Deadline has  
2 expired.

3 12. The Court finds that the forms of Class Notice to the Class regarding the pendency  
4 of the action and of this Settlement, and the methods of giving notice to members of the Settlement  
5 Class constitute the best notice practicable under the circumstances and constitute valid, due, and  
6 sufficient notice to all members of the Class. They comply fully with the requirements of California  
7 Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court  
8 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

9 13. The Court further approves the procedures for Class Members to participate in, opt  
10 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

11 14. Class Members who wish to exclude themselves from (opt-out of) the Class  
12 Settlement must send the Administrator, by fax, email, or mail, a signed written Request for  
13 Exclusion not later than 60 days after the Administrator mails the Class Notice (plus an additional  
14 14 days for Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter  
15 from a Class Member or the Class Member's representative that reasonably communicates the Class  
16 Member's election to be excluded from the Settlement and includes the Class Member's name,  
17 address and email address or telephone number. To be valid, a Request for Exclusion must be timely  
18 faxed, emailed, or postmarked by the Response Deadline.

19 15. Participating Class Members may send written objections to the Administrator, by  
20 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire an  
21 attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A  
22 Participating Class Member who elects to send a written objection to the Administrator must do so  
23 not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional 14  
24 days for Class Members whose Class Notice was re-mailed).

25 16. Pending the Fairness Hearing, all proceedings in this action, other than proceedings  
26 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this  
27 Order, are stayed.

1 17. Counsel for the parties are hereby authorized to utilize all reasonable procedures in  
2 connection with the administration of the Settlement, which are not materially inconsistent with  
3 either this Order or the terms of the Settlement.

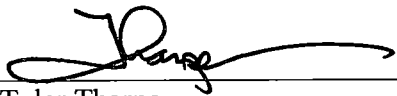
4 18. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendant to provide the Settlement Administrator the Class Database	10 days after the Court's entry of this Order
Notice Date: last day for Administrator to mail Class Notice to Class Members.	14 days after receipt of the Class Data
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections	60 calendar days after the date of mailing of the Class Notice
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 Court days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 Court days prior to the final fairness hearing
Last day for the Parties to respond to Objections	5 court days prior to the final fairness hearing
Hearing on final approval of class action settlement.	Approximately 150 days after the Court grants preliminary approval of the Settlement

18 19. The Fairness Hearing and related prior deadlines set forth above may, from time to  
19 time and without further notice to the Class (except those who have filed timely and valid objections),  
20 be continued or adjourned by Order of the Court. The Settlement Administrator will provide notice  
21 to any objecting Class Member if there is a change in the date and/or time of the Final Approval  
22 Hearing.

23  
24 **IT IS SO ORDERED.**

25  
26 Dated: 10/1/2025

27   
Hon. D. Tyler Tharpe  
Judge of the Superior Court