

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

MAY 15 2026

DAVID H. YAMASAKI, Clerk of the Court

BY: M. NEVAREZ DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE**

JIMMY VU, individually and on behalf of
others similarly situated,

Plaintiff,

vs.

MCNALLY ENTERPRISES, a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 30-2025-01487936-CU-OE-CXC

*Assigned for All Purposes to: Hon. David A.
Hoffer, Department CX103*

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

Complaint Filed: June 5, 2025
FAC Filed: August 11, 2025
Trial Date: None Set

[PROPOSED] ORDER

The Motion of Plaintiff Jimmy Vu (“Plaintiff”) for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) came regularly for hearing before this Court. The Court, having considered the proposed Joint Stipulation of Class Action and PAGA Settlement (“Settlement Agreement” or “Settlement”), attached as Exhibit 2 to the Declaration of Heather Davis filed concurrently with the Motion; having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, memorandum of points and authorities in support thereof, and supporting declaration filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing. All terms used herein shall have the same meaning as defined in the Settlement Agreement. For purposes of the Settlement only, the Court finds that the proposed Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following settlement Class:

All current and former hourly-paid, non-exempt employees of Defendant McNally Enterprises (“Defendant”) who were employed by Defendant in the State of California at any time from June 5, 2021, through November 4, 2025.

2. For purposes of the Settlement only, the Court designates Plaintiff Jimmy Vu as the Class Representative, and designates Protection Law Group, LLP as Class Counsel.

3. The Court designates Apex Class Action, LLC as the third-party Settlement Administrator.

4. The parties are ordered to implement the Settlement according to the terms of the Settlement Agreement.

5. The Court approves, as to form and content, the proposed Notice of Class Action Settlement (“Notice”), attached to the Settlement Agreement as Exhibit A and the Request for Exclusion Form attached to the Settlement Agreement as Exhibit B. However, the Court orders the Parties to update page 1 of the Class Notice to list the page number at the bottom of the page.

1 6. The Court finds that the form of notice to the Class regarding the pendency of the
2 action and of the Settlement, the dates selected for mailing and distribution, and the methods of
3 giving notice to members of the Class, satisfy the requirements of due process, constitute the best
4 notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all
5 members of the Class. The form and method of giving notice complies fully with the requirements
6 of California Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of
7 Court §§ 3.766 and 3.769, the California and United States Constitutions, and other applicable
8 law.

9 7. The Court further approves the procedures for Class Members to opt-out of or
10 object to the Settlement, as set forth in the Notice and the Settlement Agreement. The procedures
11 and requirements for filing objections in connection with the final fairness hearing are intended to
12 ensure the efficient administration of justice and the orderly presentation of any Class Member's
13 objection to the Settlement, in accordance with the due process rights of all Class Members.

14 8. The Court directs the Settlement Administrator to mail the Notice to the members
15 of the Class in accordance with the terms of the Settlement.

16 9. The Notice shall provide 60 calendar days' notice for Class Members to submit
17 disputes, opt-out of, or object to the Settlement.

18 10. The hearing on Plaintiff's Motion for Final Approval of Settlement on the question
19 of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled
20 in Department CX-103 of this Court, located at 751 West Santa Ana Boulevard, Santa Ana,
21 California 92701, on October 12, 2026, at 1:30 p.m.

22 11. At the Final Fairness hearing, the Court will consider: (a) whether the Settlement
23 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting
24 final approval of the Settlement should be entered; and (c) whether Plaintiff's application for an
25 enhancement payment, settlement administration costs, and Class Counsel's attorney's fees and
26 costs, should be granted.

27 12. Counsel for the parties shall file memoranda, declarations, or other statements and
28 materials in support of their request for final approval of Plaintiff's application for an enhancement

1 payment, settlement administration costs, Class Counsel's attorneys' fees and costs, prior to the
2 hearing on Plaintiff's Motion for Final Approval of Settlement according to the time limits set by
3 the Code of Civil Procedure and the California Rules of Court.

4 13. An implementation schedule is below:


Event	Date
Defendant to provide class contact information to Settlement Administrator no later than:	[30 days following preliminary approval]
Settlement Administrator to mail the Notice to the Class no later than:	[7 days following provision of contact information]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	[60 days after mailing of the Notice]
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	September 17, 2026, [16 court days before the Final Approval Hearing]
Hearing on Motion for Final Approval of Settlement	October 12, 2026, at 1:30 p.m.

18 14. Pending the Final Fairness hearing, all proceedings in this action, other than
19 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
20 Order, are stayed.

21 15. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
22 connection with the administration of the Settlement which are not materially inconsistent with
23 either this Order or the terms of the Settlement.

24 **IT IS SO ORDERED.**

25
26 DATED: 5/14/26

26 By: 
27 JUDGE OF THE SUPERIOR COURT
28 DAVID HOFFER