

FILED
Superior Court of California
County of Los Angeles

07/02/2026

David W. Slayton, Executive Officer / Clerk of Court

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

REMBERTO LOZANO-ARROYO,
individually, and on behalf of all others
similarly situated,

Plaintiff,

v.

FOAM FABRICATORS, INC., a corporation;
and DOES 1 through 10, inclusive,

Defendants.

Case No.: 24STCV19077

Assigned to Hon. William F. Highberger,
Dept. 10

Complaint filed: July 30, 2024
Trial date: Not Set

CLASS ACTION

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

PRELIMINARY APPROVAL HEARING

Date: May 29, 2026 & 7/2/26
Time: 10:30 a.m.
Dept: 10

1 The Court has before it Plaintiff Remberto Lozano-Arroyo's ("Plaintiff" or "Class
2 Representative") Motion for Preliminary Approval of Class Action Settlement (the "Motion").
3 Having reviewed the Motion along with the accompanying papers, the Class Action Settlement
4 Agreement and Class Notice (which is referred to here as the "Settlement" or "Settlement
5 Agreement"), and good cause 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, just, adequate, and reasonable and therefore meets the requirements for preliminary
8 approval. The Court grants preliminary approval of the Settlement and the Class (as defined
9 below) based upon the terms set forth in the Settlement Agreement between Plaintiff and
10 Defendant Foam Fabricators, Inc. ("Defendant," and together with Plaintiff, the "Parties"). A
11 true and correct copy of the Settlement Agreement is attached to the Declaration of Lucy
12 Nguyen in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement
13 as **Exhibit 1**.

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 approval
17 by this Court. The Court notes that Defendant has agreed to create a common fund of
18 \$435,000.00 (the "Gross Settlement Amount") to cover (a) settlement payments to Class
19 members who do not validly opt out; (b) a Class Representative service payment of up to
20 \$10,000.00 for Plaintiff (the "Class Representative Service Payment"); (c) Class Counsel's
21 attorneys' fees not to exceed one-third of the Gross Settlement Amount (\$145,000.00) (the
22 "Class Counsel Fees Payment"), and up to \$35,000.00 in costs for actual litigation expenses
23 incurred by Class Counsel (the "Class Counsel Litigation Expenses Payment"); and (d) a
24 payment to Apex Class Action Administration (the "Administrator") of up to \$6,490.00 (the
25 "Administrator Costs").

26 3. The Court preliminarily finds that the terms of the Settlement appear to be within
27 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
28 applicable law. The Court finds on a preliminary basis that: (1) the Gross Settlement Amount is

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

10 4. A final fairness hearing on the question of whether the proposed Settlement, Class
11 Counsel Fees Payment and Class Counsel Litigation Expenses Payment, and the Class
12 Representative Service Awards should be finally approved as fair, just, reasonable and adequate
13 as to the Class is hereby set in accordance with the implementation schedule set forth below.

14 5. For settlement purposes, the Court provisionally certifies the Class defined as all
15 hourly or non-exempt employees who performed work for Defendant in California at any time
16 during the Class Period. (each “Class Member(s)” collectively the “Class”).

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

25 7. The Court appoints as Class Representative, for settlement purposes only,
26 Plaintiff Remberto Lozano-Arroyo. The Court further preliminarily approves Plaintiff’s ability
27 to request the Class Representative Service Payments.

28 8. The Court appoints, for settlement purposes only, Tyler J. Woods, Alan Wilcox,

Lucy Nguyen and Conor Gomez of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request the Class Counsel Fees Payment not to exceed \$145,000.00 and Class Counsel Litigation Expenses not to exceed \$30,000.00.

9. The Court appoints Apex Class Action Administration as the Settlement Administrator with the Administrator Cost estimated not to exceed \$6,490.00.

10. The Court approves, as to form and content the class notice, attached to the Settlement Agreement (the "Class Notice"). The Court finds on a preliminary basis that plan for distribution of the Class Notice to Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

11. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

12. Any class member who does not timely and validly request exclusion from the Settlement may object to the Settlement Agreement.

13. The Court orders the following implementation schedule:

Defendant to provide Class List to the Settlement Administrator	Within 10 business days after the Court grants Preliminary Approval of the Settlement
Settlement Administrator to mail the Class Notice	Within 14 days after receipt of the Class List from the Defendant
Response Deadline	45 days after Class Notice is mailed out by the Settlement Administrator 14 days additional days for any notices that were resent
Deadline to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Service Award to Plaintiff	16 court days before hearing on Motion for Final Approval

Final Approval Hearing

11/9/26 at 11 a.m./~~p.m.~~, or
first available date thereafter, in Department
10. The hearing may be continued to another
date without further notice to the Class
Members.

14. 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.

15. _____

_____.

IT IS SO ORDERED.

DATE: 07/02/2026



Hon. William F. Highberger
Los Angeles County Superior Court