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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF ORANGE**

10 ISMAEL CABUTO, individually, and on behalf
11 of all others similarly situated,

12 *Plaintiff,*

13 v.

14 IMPACT HOUSING US, LLC, a limited
15 liability company; and DOES 1 through 10,
inclusive,

16 *Defendants.*
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Case No.: 30-2024-01427671-CU-OE-CXC

[Assigned for all purposes to the Honorable
Melissa R. McCormick, Dept CX105]

**ORDER GRANTING PLAINTIFF ISMAEL
CABUTO’S MOTION FOR PRELIMINARY
APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Complaint Filed: September 24, 2024

1 The Court has before it Plaintiff Ismael Cabuto’s Motion for Preliminary Approval of Class
2 and Representative Action Settlement Agreement (“Motion”), and the Stipulation of Class and
3 Representative Action Settlement Agreement and amendment thereto (together, the “Settlement” or the
4 “Settlement Agreement”) between Plaintiff and Defendant Impact Housing US, LLC (“Defendant”)
5 (Plaintiff and Defendant, the “Parties”), and all declarations and documents filed in support of the
6 Motion. Good cause appearing, the court orders as follows:

7 1. The Court finds on a preliminary basis that the Settlement Agreement appears to be fair,
8 adequate, and reasonable, and in the best interests of the Class Members, and therefore meets
9 the requirements for preliminary approval. The Court grants preliminary approval of the
10 Settlement and the Class based on the terms set forth in the Settlement Agreement, a copy of
11 which is attached hereto as **Exhibit 1**.

12 2. The Gross Settlement Amount is \$492,500.00. The court preliminarily approves the
13 following deductions from the Gross Settlement Amount: (i) total PAGA Penalties in the amount of
14 \$20,000.00, with 65%, or \$13,000.00 allocated to the LWDA (the “LWDA PAGA Payment”), and
15 35%, or \$7,000.00 allocated to the Aggrieved Employees (“Individual PAGA Payments”); (ii) Class
16 Counsel Expenses not to exceed \$20,000.00; (iii) Class Counsel attorneys’ fees not to exceed
17 \$147,750.00; (iv) settlement administration expenses not to exceed \$7,990.00.

18 3. The Class is all current and former non-exempt employees of Defendant in the State of
19 California from February 28, 2022 through September 27, 2025. The Class is preliminarily certified
20 for settlement purposes only.

21 4. Aggrieved Employees are all current and former non-exempt employees of Defendant
22 in the State of California from August 31, 2023 through September 27, 2025.
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1 5. The Court approves, as to form and content, the Notice of Class and
2 Representative Action Settlement, and its attached forms, a copy of which is attached hereto as
3 **Exhibit 2** in English and Spanish. The Court finds on a preliminary basis that the plan for
4 distribution of the Notice Packet to Class Members satisfies due process, provides the best
5 notice practicable under the circumstances, and shall constitute due and sufficient notice to all
6 persons entitled thereto.

7 6. The Court preliminary appoints, for settlement purposes only, Plaintiff Ismael Cabuto
8 as Class Representative.

9 7. The Court preliminary appoints APEX Class Action, LLC as the Settlement
10 Administrator.

11 8. The Court preliminary appoints, for settlement purposes only, Moon Law Group, PC as
12 Class Counsel.

13 9. A Final Approval Hearing on the question of whether the Settlement should be finally
14 approved as fair, adequate, and reasonable as to the Participating Class Members, is hereby set in
15 accordance with the following Implementation Schedule:

16 Defendant to provide Class Data to the 17 Administrator	Within fourteen (14) calendar days of Preliminary Approval
18 Administrator to mail the Class Notice by 18 First Class Mail	Within fourteen (14) calendar days of receiving the Class Data
19 Response Deadline	Sixty (60) calendar days after the date the Class Notice is mailed to Class Members via First- Class U.S. Mail
20 Deadline to file Motion for Final Approval	No later than sixteen (16) court days prior to the Final Approval Hearing
21 Final Approval Hearing	December 17, 2026 at 2:00 p.m. in Department CX105 of the Orange County Superior Court

23 10. The Court may continue the date of the Final Approval Hearing without further
24 notice to Class Members.

25 11. Pending further order of this Court, all proceedings in this Action, except those
26 contemplated herein and in the Settlement, are stayed.

27 12. The Court orders the Parties, their counsel and the Settlement Administrator to carry
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1 out their duties and obligations in accordance with the terms of the Settlement Agreement.

2 13. The Court retains jurisdiction to enforce the Settlement pursuant to Civil
3 Procedure Code section 664.6.

4 **IT IS SO ORDERED.**

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6 DATED: August 20, 2026



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8 Melissa R. McCormick
9 Judge of the Superior Court
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