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OCT 08 2026

Filed
STEPHANIE BOHRER, CLERK

By *[Signature]*
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

TERRY NELSON, an individual, **on** behalf of
himself and all others similarly situated,

Plaintiff,

vs.

PENSKE LOGISTICS LLC, a Delaware
corporation; and DOES 1 through 10,
Inclusive,

Defendant.

Case No.: STK-CV-UOE-2024-0001484

*[Assigned for All Purposes to Hon. Robert T.
Waters, Dept. 11B]*

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

Hearing Information:

Date: OCT 08 2026
Time: 9:00 AM
Dept.: 11B

~~PROPOSED~~ ORDER

KTW 1

FILE BY FAX

AUG 26 2026

1 Having considered Plaintiff's Motion for Preliminary Approval of Class Action and PAGA
2 Settlement (the "Motion") and the points and authorities and declarations submitted in support of
3 the Motion, including the Class Action and PAGA Settlement Agreement ("Settlement Agreement"
4 or "Settlement"), and **GOOD CAUSE** appearing, **IT IS HEREBY ORDERED** that the Motion is
5 **GRANTED**, subject to the following findings and orders:

6 1. This Order incorporates by reference the Settlement Agreement, and unless indicated
7 otherwise, all capitalized terms used herein will have the same meaning as set forth in the
8 Settlement Agreement.

9 2. The Court conditionally finds, for the purposes of approving this settlement only, the
10 proposed Class meets the requirements for certification under § 382 of the California Code of Civil
11 Procedure: (a) the proposed Class is ascertainable and so numerous that joinder of all members of
12 the Class is impracticable; (b) there are questions of law or fact common to the proposed Class, and
13 a well-defined community of interest among members of the proposed Class with respect to the
14 subject matter of the class action; (c) the claims of the Class Representative are typical of the claims
15 of the members of the proposed Class; (d) the Class Representative has fairly and adequately
16 protected and will continue to protect the interests of the Class; (e) a class action is superior to other
17 available methods for an efficient adjudication of this controversy in the context of settlement; and
18 (f) counsel of record for the Plaintiff is qualified to serve as Class Counsel for the Class.

19 3. The Class shall be conditionally certified for settlement purposes only and shall
20 consist of all current and former employees, except for salaried managers, who worked for Defendant in
21 California during the period from April 7, 2022, through February 28, 2026.

22 4. The Court further finds, on a preliminary basis: (a) the non-reversionary Gross
23 Settlement Amount is fair and reasonable to the Class when balanced against the probable outcome
24 of further litigation relating to class certification, liability and damages issues, and potential appeals;
25 (b) significant investigation, research, and informal discovery have been conducted such that
26 counsel for the Parties are able to reasonably evaluate their respective positions; (c) settlement at
27 this time will avoid substantial costs, delay and risks presented by further prosecution of the
28 litigation; and (d) the proposed Settlement was reached through intensive, serious, and non-

1 collusive negotiations facilitated by an experienced mediator.

2 5. The Court preliminarily approves the Settlement Agreement, including all the terms
3 and conditions set forth therein and the Gross Settlement Amount and allocation of payments.

4 6. The Court preliminarily finds that a Service Award of \$10,000 for Plaintiff is fair
5 and reasonable in light of his contributions to the litigation and settlement of this Action.

6 7. The Court further finds that the proposed Class Notice fairly and adequately advises
7 Class Members of (a) the pendency of the Settlement; (b) conditional Class certification for
8 settlement purposes only; (c) preliminary Court approval of the proposed Settlement; (d) the date,
9 time and place of the Final Approval Hearing; (e) the terms of the proposed Settlement and the
10 benefits available to Class Members under the Settlement; (f) their right to receive a proportionate
11 share of the Net Settlement Amount without the need to return a claim form; (g) their right to
12 request exclusion, and the procedures and deadline for doing so; (h) their right to object to the
13 Settlement, and the procedure and deadline for doing so; and (i) their right to appear at the Final
14 Approval Hearing.

15 8. The Court further finds that the proposed Class Notice provides the best practicable
16 notice to the Class and clearly comports with all constitutional requirements, including those of due
17 process.

18 9. The Court further finds that mailing of the Class Notice to the last known address of
19 all Class Members with measures taken for verification of an address and skip tracing of bad
20 addresses, as specifically described within the Settlement, constitutes an effective method of
21 notifying Class Members of their rights with respect to the class action and the Settlement.

22 10. Accordingly, for good cause, the Court approves the Class Notice for distribution to
23 the Class pursuant to the notice procedures set forth in full in the Settlement.

24 11. It is further **ORDERED** that:

- 25 a. Apex Class Action LLC is appointed as the Administrator of the Settlement, as
26 more specifically set forth in the Settlement;
- 27 b. Ben Travis of Ben Travis Law, APC is appointed as Class Counsel;
- 28 c. Plaintiff Terry Nelson is appointed as Class Representative;

- 1 d. Not later than thirty (30) days after the date the Court grants preliminary approval
2 of the Settlement, Defendant shall provide the Class Data to the Administrator;
- 3 e. Within fourteen (14) calendar days after its receipt of the Class Data, the
4 Administrator shall mail the Class Notice to each member of the Class by first
5 class, regular U.S. mail, using the most current mailing address information
6 available, with measures taken for updating an address as provided by the terms of
7 the Settlement.
- 8 f. On or before forty-five (45) calendar days from the date the Administrator mails the
9 Class Notice to Class Members (the "Response Deadline"), Class Members who
10 wish to exclude themselves from the Class must submit a written Request for
11 Exclusion. Class Members who fail to submit a valid and timely written Request
12 for Exclusion on or before the Response Deadline shall be bound by all terms of the
13 Settlement and any final judgment entered in this Action if the Settlement is
14 approved by the Court.
- 15 g. Any Class Member who desires to object must send a written Objection to the
16 Administrator by the Response Deadline or appear at the Final Approval Hearing to
17 explain his or her objection(s).
- 18 h. On or before the Response Deadline, Class Members who wish to challenge the
19 Workweeks or PAGA Pay Periods upon which their Individual Class Payment or
20 Individual PAGA Payment will be calculated must communicate with the
21 Administrator via mail, or fax describing why he or she believes the information is
22 incorrect, along with any supporting information and/or documentation as described
23 in the Class Notice.

24 12. **IT IS FURTHER ORDERED** that if for any reason the Court does not execute and
25 file an Order Granting Final Approval of Class Action Settlement, or if the Effective Date, as
26 defined in the Settlement, does not occur for any reason whatsoever, the proposed Settlement that is
27 the subject of this Order, and all evidence and proceedings had in connection therewith, shall be
28 restored without prejudice to the status quo ante, as more specifically set forth in the Settlement.

13. The Court reserves the right to continue the Final Approval Hearing without further notice to the Class. However, if written objections are submitted, Class Counsel is ordered to serve notice on any such objecting Class Member of the new date and time of the Final Approval Hearing.

14. IT IS FURTHER ORDERED that the Final Approval Hearing shall be held before the undersigned at 9:00 AM on February 9, 2027, in Department 11B of the San Joaquin County Superior Court located at 180 E. Weber Avenue, Stockton, CA 95202. At the Final Approval Hearing, the Court will consider the fairness, adequacy, and reasonableness of the proposed Settlement preliminarily approved in this Order and consider the application for a Class Representative Service Payment to the Class Representative, Administration Expenses Payment to the third-party Administrator, and Class Counsel's attorneys' fees and litigation expenses incurred.

IT IS SO ORDERED.

Dated: October 8, 2026


Hon. Robert T. Waters
San Joaquin County Superior Court Judge