

1 SAMUEL T. REES (State Bar No. 58099)
2 THOMAS P. BLEAU (State Bar No. 152945)
3 MARTIN R. FOX (State Bar No. 155783)
4 BLEAU FOX
5 2801 West Empire Avenue
6 Burbank, California 91504
7 Telephone: (818) 748-3434
8 Facsimile: (818) 748-3436

9 SHANNON LISS-RIORDAN (State Bar No. 310719)
10 LICHTEN & LISS-RIORDAN, P.C.
11 729 Boylston Street, Suite 2000
12 Boston, MA 02116
13 Telephone: (617) 994-5800
14 Facsimile: (617) 994-5801
15 sliss@llrlaw.com

16 Attorneys for Plaintiff
17 and the Plaintiff Class

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA
19 COUNTY OF ORANGE

20 RAYMOND STODDARD and
21 SANTIAGO MEDINA etc.,

22 Plaintiffs,

23 vs.

24 EQUILON ENTERPRISES, LLC, et
25 al.,

26 Defendants.

Case No. 30-2010-00395208-CU-0E-CXC

Hon. William Claster
Department CX 102

CLASS ACTION

**SECOND DECLARATION OF
SAMUEL T. REES RE UPDATED
REVISED [PROPOSED]
PRELIMINARY APPROVAL
ORDER**

Date: September 4, 2020

Time: 9:00 a.m.

Dept: CX 104

Complaint Filed: August 2, 2010

Trial Date: None Set

27 I, SAMUEL T. REES, declare:

28 1. I remain an attorney at law duly licensed to practice in California
and Louisiana. I also remain "Of Counsel" to Bleau Fox, a PLC, counsel for
Plaintiff and Plaintiff Class herein.

1 2. On September 4, 2020, this Court granted Plaintiff's motion for
2 preliminary approval of the class settlement with Defendant R&M Pacific Rim,
3 Inc. and ordered Plaintiff to update his Second Revised [Proposed] Preliminary
4 Approval Order to incorporate this Court's ruling.

5 3. Contemporaneously with the filing of this declaration, Plaintiff has
6 lodged his revised Updated Second Revised [Proposed] Preliminary Approval
7 Order.

8 4. In addition to inserting the date of the Final Approval Hearing and
9 correcting several locations where the Second Revised [Proposed] Preliminary
10 Approval Order referenced the Amended and Restated Settlement Agreement
11 instead of the Second Amended and Restated Settlement Agreement that this
12 Court preliminarily approved, this revision inserts the deadline dates that are
13 calculated in reference to the date the preliminary order is entered, using
14 instead September 4, 2020, the date Plaintiff's motion was granted. Attached
15 hereto as Exhibit O is a redline showing the changes between the Updated
16 Second Revised [Proposed] Preliminary Approval Order and the previously
17 lodged Second Revised [Proposed] Preliminary Approval Order.

18 5. Counsel for R&M Pacific Rim, Inc. has reviewed and approved the
19 Updated Second Revised [Proposed] Preliminary Approval Order.

20 Dated: September 8, 2020



SAMUEL T. REES

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EXHIBIT O

1 SAMUEL T. REES (State Bar No. 58099)
THOMAS P. BLEAU (State Bar No. 152945)
2 MARTIN R. FOX (State Bar No. 155783)
BLEAU FOX
3 A Professional Law Corporation
2801 West Empire Avenue
4 Burbank, CA 91504
Telephone: (818) 748-3434
5 Facsimile: (818) 748-3436
6 Attorneys for Plaintiff
and the Plaintiff Class
7

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

10
11 RAYMOND STODDARD and SANTIAGO) Case No. 30-2010-00395208-CU-OE-CXC
MEDINA, etc.,)
12) Hon. William Claster
Plaintiffs,) Department CX 102
13)
vs.) CLASS ACTION
14)
EQUILON ENTERPRISES, LLC, et al.,) **UPDATED SECOND REVISED**
15) **[PROPOSED] PRELIMINARY APPROVAL**
R&Ms.) **ORDER**
16)
Date: ~~July 31~~ **September 4**, 2020
17) Time: 9:00 a.m.
Dept: CX 104
18) Complaint Filed: August 2, 2010
Trial Date: None Set
19)
Reservation No. 73219881
20)

21
22 WHEREAS, this action is pending before this Court as a Class Action; and
23 WHEREAS, Plaintiff Santiago Medina ("Medina") has filed an unopposed
24 motion with this Court for an Order preliminarily approving the settlement of
25 the Class Action entered into by and between R & M Pacific Rim, Inc., a
26 California corporation, ("R&M") and Medina, individually and on behalf of
27 Settlement Class Members as defined therein, in accordance with their Second
28 Amended and Restated Settlement Agreement, which, together with the

1 Exhibits attached to the Second Amended and Restated Settlement Agreement,
2 sets forth the terms and conditions for a proposed partial settlement of the Class
3 Action; and the Court having read and considered the Second Amended and
4 Restated Settlement Agreement and the Exhibits attached thereto;

5 NOW, THEREFORE, IT IS HEREBY ORDERED:

6 1. This Preliminary Order incorporates by reference the definitions in
7 the Second Amended and Restated Settlement Agreement, as filed with the
8 Court ~~with Medina's motion~~, and all terms defined therein shall have the same
9 meaning as set forth in the Second Amended and Restated Settlement
10 Agreement.

11 ~~2.~~ 2. Effective September 4, 2020, the Court hereby grants Medina's
12 Motion for Preliminary Approval of Class Action Settlement and finds the terms
13 of the Second Amended and Restated Settlement Agreement to be within the
14 range of reasonableness of a settlement that ultimately could be granted
15 approval by the Court at a Final Approval Hearing.

16 3. The Court preliminarily approves the terms of the Second Amended
17 and Restated Settlement Agreement and finds that they fall within the range of
18 approval as fair, adequate, and reasonable. The Court hereby preliminarily finds
19 that the Settlement Agreement is the product of informal, non-collusive
20 negotiations conducted at arms' length by the parties. The Court has considered
21 the estimate of the Class Members' total recovery, R&M's potential liability, the
22 allocation of settlement proceeds among Class Members, including the two
23 subclasses, and the fact that a settlement represents a compromise of the
24 parties' respective positions rather than the result of a finding of liability at
25 trial. The assistance of an experienced mediator in the settlement process
26 supports the Court's conclusion that the Settlement is non-collusive and
27 reasonable. The Settlement is presumptively valid.
28

1 4. For purposes of the Settlement only, the Court finds that the
2 proposed Settlement Class is ascertainable and that there is a sufficiently well-
3 defined community of interest among the members of the Settlement Class in
4 questions of law and fact. Therefore, the Court preliminarily certifies as the
5 Settlement Class, for settlement purposes only, all persons who were employed
6 by R&M and who worked at a Shell branded station operated by R&M and
7 owned by Equilon Enterprises, LLC at any time during the period from August
8 2, 2006 to September 1, 2008. The Settlement Class consists of the Settlement
9 Misclassification Subclass, consisting of all Settlement Class Members during
10 any portion of the Class Period that they were declared by R&M as exempt
11 employees and paid a salary. and the Settlement Break Subclass, consisting of
12 all Settlement Class Members during any portion of the Class Period that they
13 were non-exempt hourly wage employees.

14 5. For purposes of the Settlement only, Medina is approved as the
15 Class Representative.

16 6. For purposes of the Settlement only, Bleau Fox, a Professional Law
17 Corporation, is appointed and approved as Class Counsel.

18 7. The Court hereby appoints and approves Phoenix Settlement
19 Administrators as the Settlement Administrator.

20 8. After balancing the privacy interests of the Settlement Class as
21 asserted by R&M, the Court finds that in order for the Class Notice to be mailed
22 to the Settlement Class at their last known address based upon R&M's
23 employment records, that the Settlement Administrator and Class Counsel have
24 sufficient information to locate Settlement Class members and that the
25 Settlement Administrator and Class Counsel have sufficient information to
26 prorate Individual Settlement payments for each subclass, it is necessary and
27 appropriate, without prior notice to the Settlement Class, that R&M be
28 authorized and directed to provide to the Settlement Administrator and Class

1 Counsel the Class Information to be used solely for the purposes of settlement of
2 this Class Action. Having so determined, the Court hereby orders R&M to so
3 provide to the Settlement Administrator and Class Counsel the Class
4 Information to be so used on or before October 4, 2020.

5 9. A hearing ("Final Approval Hearing") shall be conducted before this
6 Court on _____, 2020, February 19, 2021 at _____9:00 a.m., in
7 Department CX104, to determine whether the proposed settlement of the Class
8 Action on the terms and conditions provided for in the Settlement Agreement is
9 fair, reasonable and adequate, whether said settlement should be finally
10 approved by the Court, and whether a Final Approval Order and Judgment
11 should be entered herein.

12 10. The Court hereby approves, as to form and content, the Class Notice,
13 Information Sheet and Request for Exclusion Form attached as Exhibit 1 to the
14 Second Amended and Restated Settlement Agreement.

15 11. The Court approves the requirements for disputing the information
16 upon which Settlement Class Members' share of the Settlement will be
17 calculated, and sets December 8, 2020 as the deadline for doing so. The Court
18 approves the requirements for objecting to the Settlement, and excluding
19 Settlement Class Members who timely and properly request to be excluded from
20 the Settlement Class, all as provided in the Second Amended and Restated
21 Settlement Agreement. The Court finds that the procedures and requirements
22 for submitting objections in connection with the Final Approval Hearing are
23 intended to ensure the efficient administration of justice and the orderly
24 presentation of any Settlement Class Member's objection to the Settlement, in
25 accordance with the due process rights of all Settlement Class Members. The
26 Court sets January 2, 2021, as the deadline for Settlement Class Members to
27 request to be excluded from the Settlement Class or object to the fairness,
28 reasonableness, or adequacy of the Second Amended and Restated Settlement

1 Agreement or the proposed Settlement, the Plan of Allocation, the Class Counsel
2 Award and/or the Service Award and sets the same deadline for Settlement
3 Class Members to update their personal information contained in the Class
4 Notice.

5 12. The Court finds that the mailing of the Class Notice substantially in
6 the manner and form as set forth in the Second Amended and Restated
7 Settlement Agreement and this Preliminary Approval Order meets the
8 requirements of *California Rules of Court* Rules 3.766(d) and 3.769(f), California
9 Code of Civil Procedure section 382, California Civil Code section 1781, other
10 applicable law, and due process, and is the best notice practicable under the
11 circumstances, and shall constitute valid, due and sufficient notice to all
12 Settlement Class Members.

13 13. The Court hereby authorizes and directs the Settlement
14 Administrator to mail or cause to be mailed to Settlement Class Members the
15 Class Notice, completed Information Sheet and the Request for Exclusion Form.
16 Such documents shall be sent by First Class U.S. mail, postage prepaid. Mailing
17 of the Class Notice shall occur ~~within Sixty (60) days after the entry of this~~
18 Preliminary Approval Order on November 3, 2020. The Class Notice, completed
19 Information Sheet and the Request for Exclusion Form shall be mailed using the
20 information provided by R&M in the Class Information, as updated, to the
21 extent that Class Notices are returned undeliverable, by the Settlement
22 Administrator as provided in the Second Amended and Restated Settlement
23 Agreement. Class Counsel may provide additional updated mailing and/or
24 emailing addresses to the Settlement Administrator. If these procedures are
25 followed, notice to Class Members shall be deemed to have been satisfied, and if
26 the intended recipient of the Class Notice does not receive the Class Notice, the
27 intended recipient shall nevertheless remain a Settlement Class Member and
28 shall be bound by all terms of the Settlement Agreement and this Preliminary

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 580 West Empire Avenue, Burbank, California 91504.

On September 8, 2020, I served the foregoing document(s) described as **UPDATED SECOND REVISED [PROPOSED] PRELIMINARY APPROVAL ORDER** on the interested parties to this action who are listed on the attached Service List by electronically serving those persons at the electronic addresses noted therein.

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

FEDERAL: I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct of my own personal knowledge, and that I am employed in the office of a member of the Bar of this Court at whose discretion this service was made.

Executed on September 8, 2020, at Burbank, California.

/s/ Nathan Childress

Nathan Childress

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SERVICE LIST

Raymond A. Cardozo, Esq.
Reed Smith, LLP
355 South Grand Avenue
Suite 2900
Los Angeles, CA 90071-3048
RCardozo@reedsmith.com

Allyson K. Thompson
Attorney at Law
Kring & Chung, LLP
38 Corporate Park
Irvine, CA 92606
athompson@kringandchung.com

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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 580 West Empire Avenue, Burbank, California 91504.

On September 8, 2020, I served the foregoing document(s) described as **SECOND DECLARATION OF SAMUEL T. REES RE UPDATED REVISED [PROPOSED] PRELIMINARY APPROVAL ORDER** on the interested parties to this action who are listed on the attached Service List by electronically serving those persons at the electronic addresses noted therein.

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

FEDERAL: I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct of my own personal knowledge, and that I am employed in the office of a member of the Bar of this Court at whose discretion this service was made.

Executed on September 8, 2020, at Burbank, California.

_____/s/ Nathan Childress

Nathan Childress

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SERVICE LIST

Raymond A. Cardozo, Esq.
Reed Smith, LLP
355 South Grand Avenue
Suite 2900
Los Angeles, CA 90071-3048
RCardozo@reedsmith.com

Allyson K. Thompson
Attorney at Law
Kring & Chung, LLP
38 Corporate Park
Irvine, CA 92606
athompson@kringandchung.com