

NAME, ADDRESS, AND TELEPHONE NUMBER OF ATTORNEY OR PARTY WITHOUT ATTORNEY : (LEAVE BLANK IF NOTICE IS BY CLERK OF THE COURT) Hugo Gamez (276765) Law Offices of Hugo Gamez 1900 Avenue of the Stars, Suite 900 Los Angeles, CA 90067; (424)442-0623, Fax (310) 693-2538 ATTORNEY FOR (Name): Plaintiff, Luis Garcia Delgado	STATE BAR NUMBER 276765	Reserved for Clerk's File Stamp
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS: 312 North Spring Street (Filings at 111 N. Hill Street) Los Angeles, CA 90012		
PLAINTIFF: Luis Garcia Delgado		
DEFENDANT: Advantage Drywall Systems, Inc.		
NOTICE OF ENTRY OF: <input type="checkbox"/> JUDGMENT <input type="checkbox"/> DISMISSAL <input checked="" type="checkbox"/> OTHER ORDER		CASE NUMBER: 19STCV25179

To the above named parties and to their attorneys of record, you are hereby given notice of entry of:

- Judgment in the above-entitled matter, entered on (date): _____
- Order of Dismissal in the above-entitled matter, filed on (date): _____
- Order Granting Motion For Preliminary Approval etc., filed on (date): 3/9/2021

DECLARATION OF MAILING

I, (typed or printed name) Hugo Gamez, do hereby (check one):

- declare under penalty of perjury under the laws of the State of California that I am an active member of the State Bar of California;
- declare under penalty of perjury under the laws of the State of California that I am (check one) employed in / a resident of Los Angeles County, (where mailing occurred) over the age of 18 years, and not a party to the cause within; that my (check one) business / residence address is as shown above;

and that on the date shown below I served the notice of entry of the above-named document filed and entered herein, by depositing true copies thereof in sealed envelope(s), with postage fully prepaid, in the United States Mail Service located at Los Angeles, California (city) (state)

addressed to the parties named below:

Erick J. Becker Cummins & White, LLP 2424 S.E. Bristol Street, Suite 300 Newport Beach, CA 92660	ebecker@cwlawyers.com https://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html
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Additional names and addresses on attached sheet.

Dated: March 9, 2021

Signed:  (Signature of declarant)

Typed or printed name of declarant: Hugo Gamez

1 **LAW OFFICES OF HUGO GAMEZ**
2 HUGO E. GAMEZ (SBN 276765)
3 1900 Avenue of the Stars, Suite 900
4 Los Angeles, California 90067
5 Telephone: (424) 442-0623
6 Facsimile: (310) 693-2538

FILED
Superior Court of California
County of Los Angeles

MAR 09 2021

7 Attorneys for Plaintiffs
8 LUIS FARCIA DELGADO and MICHAEL
9 WHITLOCK, on behalf of themselves and others
10 similarly situated

Sherril R. Carter, Executive Officer/Clerk of Court
By *Lori M. Greene*, Deputy
Lori M. Greene

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF LOS ANGELES

13 LUIS GARCIA DELGADO, on behalf
14 of himself and others similarly
15 situated,

Case No. 19STCV25179

CLASS ACTION

16 Plaintiffs,

~~PROPOSED~~ ORDER GRANTING
MOTION FOR AN ORDER
(1) PRELIMINARILY APPROVING THE
CLASS ACTION SETTLEMENT, (2)
APPROVING NOTICE OF CLASS ACTION
SETTLEMENT, AND (3) SETTING
HEARING FOR FINAL APPROVAL

17 vs.

18 ADVANTAGE DRYWALL SYSTEMS
19 INC., a California corporation; and DOES
20 1 through 50, inclusive,

Date: January 12, 2021
Time: 10:30 a.m.
Dept.: SS12

21 Defendants.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

LUIS GARCIA DELGADO, on behalf
of himself and others similarly
situated,

Plaintiffs,

vs.

ADVANTAGE DRYWALL SYSTEMS
INC., a California corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No. 19STCV25179

CLASS ACTION

**ORDER GRANTING MOTION FOR AN
ORDER (1) PRELIMINARILY
APPROVING THE CLASS ACTION
SETTLEMENT, (2) APPROVING NOTICE
OF CLASS ACTION SETTLEMENT, AND
(3) SETTING HEARING FOR FINAL
APPROVAL**

Date: January 12, 2021
Time: 10:30 a.m.
Dept.: SS12

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2 Plaintiffs' Motion for an Order (1) preliminarily approving the class action settlement
3 reached between the parties, (2) approving the notice of class action settlement and claim form, and
4 (3) setting the final approval hearing (the "Preliminary Approval Motion") came on for hearing on
5 January 12, 2021 in Department SS12 of the above captioned court, the Honorable Carolyn B. Kuhl,
6 Judge presiding. Hugo Gamez of the Law Offices of Hugo Gamez appeared on behalf of Plaintiffs
7 Luis Garcia Delgado, Michael Whitlock, and the putative class. Erick Becker of Cummins & White
8 LLP appeared on behalf of Defendant Advantage Drywall Systems, Inc. ("Defendant"). (Plaintiffs
9 and Defendant shall be collectively referred to herein as the "Parties.")

10 The Court, having considered Plaintiffs' Motion, the memorandum of points and authorities
11 in support thereof and supporting evidence, Defendant's agreement with and/or non-opposition to
12 the Motion, and the oral arguments of counsel, hereby ORDERS, ADJUDGES, AND DECREES as
13 follows:

14 1. The Preliminary Approval Motion is GRANTED and the Parties' Stipulation of
15 Settlement and Release (the "Stipulation") filed with the court on December 16, 2020, is
16 preliminarily approved.

17 2. This Order incorporates by reference the definitions in the Stipulation and all terms
18 defined therein shall have the same meaning in this Order. *Amended Joint* *filed Mar. 1, 2021*

19 3. The class is preliminarily certified for settlement purposes only. Should the
20 settlement not become final, the fact that the Parties were willing to stipulate to class certification as
21 part of the settlement shall have no bearing on, nor be admissible in connection with, the issue of
22 whether a class should be certified in a non-settlement context. *The parties represent that the settlement is fully funded by deposit in a QSF.* *Amended Joint* *hereinafter "stipulation"*

23 4. The class action settlement contemplated by the Stipulation is preliminarily approved
24 based upon the terms set forth in the Stipulation filed herewith. The class action settlement appears
25 to be fair, adequate, and reasonable to the Plaintiff Class. The class action settlement contemplated
26 by the Stipulation falls within the range of reasonableness and appears to be presumptively valid,
27 subject to any objections that may be raised at the final approval hearing before this Court. The
28 preliminary approval of the class action settlement and the Parties' agreement includes the approval
for purposes of the settlement of Hugo Gamez of the Law Offices of Hugo Gamez, 1900 Avenue of

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2 the Stars, Suite 900, Los Angeles, California 90067 as Class Counsel; Luis Garcia Delgado and
3 Michael Whitlock as Class Representatives; and Phoenix Class Action Administration Solutions as
4 Claims Administrator. Class Counsel is authorized to act on behalf of the class members with
5 respect to all acts or consents required by or which may be given pursuant to the Stipulation and the
6 class action settlement contemplated by the Stipulation, and such other acts reasonably necessary to
7 consummate the settlement. The Claims Administrator is authorized to perform such acts as set
8 forth in this Order and the Stipulation.

9 *coll* 5. The Class Notice attached ~~hereto~~ ^{to the Stipulation} as Exhibit A, advising the Putative Class of material
10 terms and provisions of this settlement, the procedure for approval thereof, and their rights with
11 respect thereto, ~~as well as the Share Form and Challenge Instructions attached as exhibit B,~~
12 ~~respectively,~~ ^{are} approved as to form and content.

13 *coll* 6. The Class Notice shall be sent by first class mail to the Plaintiff Class in accordance
14 with the schedule set forth below. The dates selected for the mailing and distribution of the Class
15 Notice as set forth below meet the requirements of due process and provide the best notice
16 practicable under the circumstances and shall constitute due and sufficient notice to all persons
17 entitled thereto:

- 18 *coll* a) Deadline for Defendant to provide to Claims Administrator the class list and
19 related information in electronic form: ~~January 25, 2021~~ ^{(which is within 14}
20 *coll* ^{calendar days of the Order granting preliminary approval, presuming the Order}
21 ^{is entered by the Court on January 12, 2021 (the date of the hearing.))}
- 22 *coll* b) Deadline for Claims Administrator to mail the Class Notice, Exclusion, and
23 Objection: ~~no later than February 9, 2021~~ ^{(specifically, within 15 calendar days}
24 ^{after receiving the class list from Defendant, presuming the class list is provided}
25 ^{on January 25, 2021)}
- 26 c) Deadline for class members to file objections and exclusions with the Settlement
27 Administrator: ~~no later than March 26, 2021~~ ^{(specifically, within 45 calendar}
28 ^{days from the date of the original mailing of the Class Notice.)}
- d) Deadline for Class Counsel to file a Motion for Final Approval and a Motion for

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COK Attorneys' Fees: ~~April 26, 2021~~ *16 court days prior to the hearing on the Motion for Final Approval.*
e) A Final Approval Hearing on the question of whether the proposed settlement, attorneys' fees and costs to Class Counsel, and the class representative enhancement should be approved as fair, reasonable, and adequate as to the Settlement Class: ~~May 18, 2021~~ *August 5, 2021* at ~~10:30~~ *10:30* a.m./p.m. *(which is within 16 court days after Class Counsel files Motion for Final Approval and Motion for Attorneys' Fees.)*

IT IS SO ORDERED.

COK Dated: Mar. 9, 2021

Carolyn B. Kuhl

HONORABLE CAROLYN B. KUHL
JUDGE OF THE SUPERIOR COURT