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Attorneys for Plaintiff

FILED
TULARE COUNTY SUPERIOR COURT
VISALIA DIVISION

FEB 08 2022
STEPHANIE CAMERON, CLERK
BY: 

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF TULARE**

FRANCISCO RUIZ VELA, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

KINGS CANYON WOOD PRODUCTS,
LLC, a California limited liability
company; and DOES 1 through 100,

Defendants.

Case No.: VCU285554

[Assigned for all purposes to the Hon. Bret Hillman, Dept. 07]

**REVISED [PROPOSED] ORDER
GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: February 8, 2022
Time: 8:30 a.m.
Dept.: 07

Complaint Filed: January 13, 2021
Trial Date: None Set

1 The unopposed motion of Plaintiff Francisco Ruiz Vela ("Plaintiff") for Preliminary
2 Approval of Class Action Settlement came on regularly for hearing before this Court on February
3 8, 2022, at 8:30 a.m. The Court, having considered the proposed Joint Stipulation of Class Action
4 Settlement (the "Settlement"), attached as Exhibit B to the Supplemental Declaration of Daniel J.
5 Brown filed concurrently herewith ("Brown Decl."); having considered Plaintiff's Motion for
6 Preliminary Approval of Class Action Settlement, Memorandum of Points and Authorities in
7 support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY
8 ORDERS THE FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement as set
10 forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement
11 that ultimately could be granted approval by the Court at a Final Fairness Hearing. For purposes
12 of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that
13 there is a sufficiently well-defined community of interest among the members of the Settlement
14 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
15 conditional certification of the following Settlement Class:

16 All individuals who worked for Defendant Kings Canyon Wood
17 Products, LLC ("Defendant") in California as non-exempt employees
18 from January 13, 2017 through July 14, 2021 ("Settlement Class" or
19 "Settlement Class Members").

20 2. For purposes of the Settlement, the Court designates named Plaintiff Francisco
21 Ruiz Vela as Class Representative, and Daniel J. Brown of Stansbury Brown Law, as Class
22 Counsel.

23 3. The Court designates Phoenix Settlement Administrators as the third-party
24 Settlement Administrator for mailing notices.

25 4. The Court approves, as to form and content, the Notice of Pendency of Class
26 Action and Proposed Settlement ("Class Notice"), Request for Exclusion Form, and Objection
27 Form attached as Exhibits B, C, and D to the Declaration of Daniel J. Brown In Support of
28 Plaintiff's Motion for Preliminary Approval of Class Action Settlement filed on December 3,
2021.

1 5. The Court finds that the form of notice to the Settlement Class regarding the
2 pendency of the action and of the Settlement, and the methods of giving notice to members of the
3 Settlement Class constitute the best notice practicable under the circumstances, and constitute
4 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
5 giving notice complies fully with the requirements of California Code of Civil Procedure section
6 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California
7 and United States Constitutions, and other applicable law.

8 6. The Court further approves the procedures for Class Members to opt out of or
9 object to the Settlement, as set forth in the Class Notice.

10 7. The procedures and requirements for filing objections in connection with the Final
11 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
12 presentation of any Class Member's objection to the Settlement, in accordance with the due
13 process rights of all Class Members.

14 8. The Court directs the Settlement Administrator to mail the Class Notice, Request
15 for Exclusion Form, and Objection Form to the members of the Settlement Class in accordance
16 with the terms of the Settlement. The Court directs the Settlement Administrator to carry out all
17 duties as required by the Settlement.

18 9. The Class Notice Packet shall provide at least 60 calendar days' notice for Class
19 Members to opt out of, or object to, the Settlement. Any Request for Exclusion or Objection shall
20 be submitted directly to the Settlement Administrator and not filed with the Court. Upon receipt
21 of any Requests for Exclusion or Objections, the Settlement Administrator shall forward copies
22 of all Requests for Exclusion or Objections to counsel for all Parties. The Settlement
23 Administrator shall file a declaration concurrently with the filing of the Motion for Final Approval
24 of Class Action Settlement which authenticates a copy of every Request for Exclusion and
25 Objection received by the Settlement Administrator.

26 10. The Final Fairness Hearing on the question of whether the Settlement should be
27 finally approved as fair, reasonable, and adequate is scheduled in Department 07 of this Court,
28 located at 221 S Mooney Blvd., Visalia, California 93291, on 6/14, 2022 at 8:30 a.m.

1 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
2 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether
3 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's
4 application for reasonable attorneys' fees, reimbursement of litigation expenses, Enhancement
5 Payment to Plaintiff, and payment to the Labor and Workforce Development Agency ("LWDA")
6 for penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

7 12. Counsel for the Parties shall file memoranda, declarations, or other statements and
8 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
9 expenses, Plaintiff's Enhancement Payment, settlement administration costs, and payment to the
10 LWDA for PAGA penalties prior to the Final Fairness Hearing according to the time limits set
11 by the Code of Civil Procedure and the California Rules of Court.

12 13. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to Settlement Administrator no later than [15 days after preliminary approval]:	February 23, 2022
Settlement Administrator to mail Class Notice, Request for Exclusion and Objection Form to Class Members no later than [7 days after receiving class data]:	March 2, 2022
Deadline for Settlement Class members to request exclusion from, or object to, the Settlement [60 days after mailing]:	April 30, 2022
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	May 10, 2022
Final Fairness Hearing:	June 14, 2022


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21 14. Pending the Final Fairness Hearing, all proceedings in this action, other than
22 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
23 Order, are stayed.

24 15. Counsel for the Parties are hereby authorized to utilize all reasonable procedures
25 in connection with the administration of the Settlement which are not materially inconsistent with
26 either this Order or the terms of the Settlement.

27 **IT IS SO ORDERED.**

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Dated: 2/8, 2022


Honorable Bret Hillman
Judge of the Superior Court