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CLERK OF THE SUPERIOR COURT

By [Signature] Deputy

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Additional Counsel Listed on the Following Page

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ALAMEDA

ALEJANDRO OLIVERA, on behalf of
himself and all others similarly situated;

Plaintiffs,

v.

C & B DELIVERY SERVICE, a California
Corporation doing business as TEMCO
WAREHOUSES & DISTRIBUTION;
HOME EXPRESS DELIVERY SERVICE,
LLC, a California Limited Liability Company
doing business as TEMCO LOGISTICS, and
DOES 1 through 10, inclusive,

Defendants.

Case No.: RG20062287

CLASS ACTION

[PROPOSED] ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT

Reservation No.: R-2236806

Date: May 4, 2021

Time: 3:00 p.m.

Dept: 23

Judge: Hon. Brad Seligman

Complaint Filed: May 26, 2020

Trial Date: N/A

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14 *and the Putative Class*
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1 **ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

2 Plaintiffs' Alejandro Olivera, Erik Contreras, Omar Dominguez, Ivan Landeros, and
3 Guillermo Mendez ("Plaintiffs") Motion for Preliminary Approval of Class Action Settlement
4 ("Motion") came before this court on May 4, 2021, at 3:00 p.m. The Court, having considered the
5 proposed Joint Stipulation for Class and PAGA Representative Action Settlement and Release of
6 Claims (the "Settlement" or "Settlement Agreement") attached as Exhibit 1 to the Declaration of
7 Hunter Pyle filed concurrently with the Motion, and the exhibits attached thereto; having considered
8 Plaintiffs' unopposed Motion, memorandum of points and authorities in support thereof, and
9 supporting declarations filed therewith; and good cause appearing thereto, **HEREBY ORDERS**
10 **THE FOLLOWING:**

11 1. The Court **GRANTS** preliminary approval of the class action settlement as set forth
12 in the Settlement Agreement and finds the terms to be within the range of reasonableness of a
13 settlement that ultimately could be granted approval by the Court at a final Fairness Hearing. For
14 purposes of the settlement, the Court finds that the proposed Settlement Class is ascertainable and
15 that there is a sufficiently well-defined community of interest among the members of the Settlement
16 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
17 conditional certification of the following Settlement Class: Current and former drivers and helpers
18 who were employed by Defendants working out of Defendants' Pomona warehouse from May 25,
19 2020 through December 4, 2020, or any of Defendants' other warehouses throughout California at
20 any time between May 26, 2016 through December 4, 2020.

21 2. Plaintiffs are granted leave to file the proposed Second Amended Complaint.

22 3. For purposes of the Settlement, the Court designates Plaintiffs Alejandro Olivera,
23 Erik Contreras, Omar Dominguez, Ivan Landeros, and Guillermo Mendez as Class Representatives,
24 and designates Hunter Pyle and Katherine Fiester of Hunter Pyle Law and Jessica Campbell, Samuel
25 Wong, and Carolyn Bell of AEGIS Law Firm PC as Class Counsel.

26 4. The Court designates Phoenix Settlement Administrators, Inc. as the third-party
27 Settlement Administrator.
28

1 5. The Court approves, as to form and content, the Notice of Settlement of Class Action
2 ("Notice") attached as Exhibit A to the Settlement Agreement.

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

10 7. The Court further approves the procedures for Settlement Class Members to opt out
11 of, or object to, the Settlement, as set forth in the Settlement Agreement and Notice.

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

16 9. The Court directs the Settlement Administrator to mail the Notice to the Settlement
17 Class Members in accordance with the terms of the Settlement Agreement.

18 10. The Notice shall provide at least 60 calendar days' notice for members of the
19 Settlement Class to submit disputes or requests for exclusion or to object to the settlement.

20 11. A final fairness hearing on the question of whether the Settlement should be finally
21 approved as fair, reasonable and adequate is scheduled in Department 23 of this Court, located at
22 1221 Oak Street, Oakland, California 94612, on 5/14, 2021 at 3 a.m. /
23 p.m.

24 12. At the final fairness hearing, the Court will consider: (a) whether the Settlement
25 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
26 final approval of the Settlement should be entered; and (c) whether Plaintiffs' application for an
27 award of reasonable attorneys' fees, reimbursement of litigation expenses, class representative
28 Service Payments, and Administrative Costs should be granted.

1 13. Class Counsel shall file their Motion for Final Approval and for Attorneys' Fees,
2 Costs, and Class Representative Service Payments no later than 8/17, 2021.

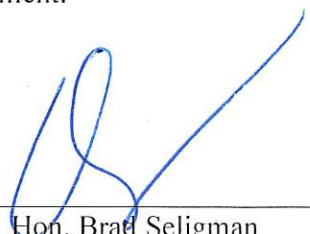
3 14. An implementation schedule is below:

<u>Event</u>	<u>Date</u>
4 Provide Settlement Class contact information 5 to Settlement Administrator (14 calendar 6 days after Preliminary Approval Order)	May 18, 2021
7 Settlement Administrator to mail Class 8 Notice to the Settlement Class (10 calendar 9 days after receiving Settlement Class contact information)	May 28, 2021
10 Deadline for Settlement Class Members to 11 Request Exclusion or Object to Settlement (60 days after mailing of Notice)	July 27, 2021
12 Plaintiffs to file Motion for Final Approval, 13 and Motion for Attorney's Fees, Costs, and 14 Service Payments	<u>8/17</u> , 2021
15 Final Fairness Hearing	<u>9/14</u> , 2021

16
17 15. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
18 connection with the administration of the Settlement which are not materially inconsistent with
19 either this Order or the terms of the Settlement Agreement.

20 **IT IS SO ORDERED.**

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22 Dated: 5/5/21

23 

Hon. Brad Seligman

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

Case Number: RG20062287

Case Name: Olivera v. C & B Delivery Service

RE: ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT

CLERK'S CERTIFICATE OF SERVICE

I certify that I am not a party to this cause and that a true and correct copy of the foregoing document was mailed first class, postage prepaid, in a sealed envelope, and that the mailing of the foregoing and execution of this certificate occurred at 1225 Fallon Street, Oakland, California.

Executed: 5/6/2021

Jhalisa Castaneda

Courtroom Clerk, Dept. 23

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