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**CONFORMED COPY**  
**ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles  
**SEP 08 2021**  
Sherri R. Carter, Executive Officer/Clerk of Court  
By: Berta Guerrero, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, CENTRAL SPRING STREET COURTHOUSE

PEDRO GONZALEZ, AND ON BEHALF  
OF ALL UNNAMED PLAINTIFFS  
SIMILARLY SITUATED,

Plaintiffs,

v.

ARMS TRANS INC., d/b/a Arms Logistics,  
a California Corporation; and DOES 1  
through 50, inclusive,

Defendants.

Case No. 19STCV37291

**ORDER GRANTING  
CONDITIONAL CERTIFICATION  
OF SETTLEMENT AND  
PRELIMINARY APPROVAL OF  
SETTLEMENT; APPROVING  
CLASS NOTICE AND RELATED  
MATERIALS; APPOINTING CLASS  
COUNSEL; APPOINTING  
SETTLEMENT ADMINISTRATOR;  
AND SCHEDULING FINAL  
APPROVAL HEARING**

Hearing Date: August 10, 2021  
Time: 10:00 a.m.

Judge: Hon. Kenneth R. Freeman  
Dept.: 14

Complaint Filed: September 20, 2016  
Trial Date: None Set

1 **TO EACH PARTY AND THE COUNSEL OF RECORD FOR EACH PARTY:**

2 The Motion for Preliminary Approval of Class Action Settlement came before this  
3 Court, Honorable Kenneth R. Freeman, presiding, on August 10, 2021. The Court, having  
4 considered the papers submitted in support of the motion including, but not limited to,  
5 the Amended Stipulation and Agreement for Class Action Settlement (the "Settlement  
6 Agreement") (attached as Exhibit 2 to the Supplemental Declaration of Alvin M. Gomez  
7 in support of the Motion for Preliminary Approval of Class Action Settlement), HEREBY  
8 FINDS, CONCLUDES, and ORDERS as follows:

9 1. For settlement purposes, the Parties have proposed conditional certification  
10 of the following settlement class ("the Class"): all persons who contracted directly with  
11 ARMS as independent contractor drivers, from October 18, 2015 through the date upon  
12 which the Court grants Preliminary Approval of this Settlement. (hereafter, the "Class  
13 Period"); (2) actually drove for ARMS in California without hiring anyone else to perform  
14 the work for ARMS; and (3) were classified by ARMS as an independent contractor  
15 instead of an employee. (Excluded from the Class are those individuals who would  
16 otherwise be a Class Member under the above definition but has: (i) entered into a  
17 separate settlement or release with ARMS of his or her claims arising from the  
18 performance of services as a driver for ARMS during the Class Period; or (ii) timely and  
19 properly excluded himself or herself from the Class by submitting a valid and timely  
20 request for exclusion.) Pursuant to section 382 of the California Code of Civil Procedure  
21 and Rule 3.769 of the California Rules of Court, the Court hereby certifies the Class.

22 2. The Court finds and concludes that Plaintiff Pedro Gonzalez has claims  
23 typical of Class members and are adequate representatives of them. The Court hereby  
24 appoints Plaintiff to serve as Class Representative for the Class.

25 3. The Court finds and concludes that Gomez Law Group have significant  
26 experience and expertise in prosecuting wage-and-hour class actions. The Court appoints  
27 this firm as Class Counsel for the Class.

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1           4.     The Court has reviewed the terms of the Settlement Agreement, including  
2 the plan of allocation and the release of claims. The Court has read and considered the  
3 Declaration and Supplemental Declaration of Alvin M. Gomez in support of the Motion  
4 for Preliminary Approval. Based on review of those papers, and the Court's familiarity  
5 with this case, the Court finds and concludes that the Settlement is the result of arms-  
6 length negotiations between the parties conducted after Class Counsel had adequately  
7 investigated Plaintiff's claims and become familiar with their strengths and weaknesses.  
8 The assistance of an experienced mediator in the settlement process confirms that the  
9 Settlement is non-collusive. Based on all of these factors, the Court concludes that the  
10 Settlement meets the criteria for preliminary settlement approval. The Settlement has no  
11 obvious defects and falls within the range of possible approval as fair, adequate, and  
12 reasonable, such that notice to the Class is appropriate.

13           5.     The Court hereby approves, as to form and content, the proposed Class  
14 Notice, attached as Exhibit A to the Settlement Agreement, and directs that the Class  
15 Notice shall be issued in substantially the same form as Exhibit A. The Court hereby also  
16 approves, as to form and content, the proposed Claim Form, attached as Exhibit B to the  
17 Settlement, and directs that the Claim Form shall be issued in substantially the same form  
18 as Exhibit B.

19           6.     The Court finds that the proposed Class Notice and notice plan constitute  
20 the best notice practicable under the circumstances and shall constitute due and sufficient  
21 notice to all persons entitled thereto in full compliance with applicable law. The Court  
22 further finds that distribution of the Class Notice in the manner set forth in the Settlement  
23 meets the requirements of the California Rules of Court, including Rule 3.769(f), and the  
24 requirements of due process under California and federal law. The Court further finds  
25 that the proposed Class Notice fully and accurately informs the Class of all material  
26 elements of the Settlement, of their right to be excluded from the Settlement Class, their  
27 right and opportunity to object to the Settlement, their right and opportunity to receive a

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1 settlement award, and their right to dispute Defendant's records regarding their gross  
2 wages earned for the purpose of calculating their settlement award.

3 7. The Court appoints Phoenix Settlement Administrators as the Settlement  
4 Administrator and preliminarily approves costs of administration to be paid from the  
5 gross settlement fund, currently estimated to be less than \$5,750.00.

6 8. The Court orders that the Notice be delivered via first-class regular U.S.  
7 Mail to the Class according to procedures specified in the Settlement Agreement. The  
8 Court further Orders that the notice, objection, opt-out, and dispute process be carried  
9 out according to provisions of the Settlement.

10 9. The Court sets a final fairness hearing for January 20, 2021, at 10:00 a.m.  
11 in Department 14 of the Los Angeles County Superior Court. At the final fairness hearing,  
12 the Court will determine whether the proposed settlement of the litigation on the terms  
13 and conditions provided for in the Settlement are fair, reasonable, and adequate and  
14 should be approved by the Court; whether judgment should be entered pursuant to  
15 California Rule of Court 3.769(h); the amount of attorneys' fees and costs that should be  
16 awarded to Class Counsel; and the amount of the Service Payments that should be  
17 awarded to the Named Plaintiff.

18 10. Prior to the final fairness hearing on January 20, 2021, the following  
19 schedule is set by the Court:

- 20 A. Deadline for Defendant to provide a Class List to the Phoenix: August 20,  
21 2021.
- 22 B. Deadline for Phoenix to mail Notice Packet to Class Members: August 30,  
23 2021.
- 24 C. Deadline for Objecting, Opting Out, or disputing Qualifying Weeks Worked:  
25 October 14, 2021.
- 26 D. Deadline for Phoenix to contact Defendant regarding disputes regarding  
27 Qualifying Weeks Worked: October 21, 2021.
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- E. Deadline for Phoenix to resolve disputes regarding Qualifying Weeks Worked: October 28, 2021.
- F. Deadline for Phoenix to provide Class Counsel and Defense Counsel with Declaration of Compliance: December 10, 2021.
- G. All papers in support of Plaintiffs' requests for attorneys' fees and costs and the amount of the Service Payment to each Named Plaintiff shall be filed and served no later than December 20, 2021.
- H. All papers in support of final approval of the Settlement shall be filed and served no later than December 20, 2021.
- I. Hearing on Motion for Final Approval of Settlement/Final Fairness Hearing is scheduled for January 20, 2021, at 10:00 a.m. in Department 14.

11. The Court reserves the right to adjourn the date of the final approval hearing without further notice to Class Members and retains jurisdiction to consider all further applications arising out of or connected with the Settlement.

12. IT IS SO ORDERED.

Dated: 9-8-2021

**KENNETH R. FREEMAN**

\_\_\_\_\_  
 Honorable Kenneth R. Freeman  
 JUDGE OF THE SUPERIOR COURT

