

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO  
SAN BERNARDINO DISTRICT

NOV 17 2021

BY   
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23 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
24 **FOR THE COUNTY OF SAN BERNARDINO**

25 HUGO TRONCOSO, as an individual and on  
26 behalf of all others similarly situated,

27 Plaintiff,

28 vs.

ARANDA TOOLING, INC., a California  
corporation; and DOES 1 through 100,

Defendants.

Case No. CIVDS2014042

*[Assigned for all purposes to the Hon. David Cohn, Dept. S-26]*

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

Date: November 17, 2021  
Time: 10:00 a.m.  
Dept.: S-26

Action Filed: July 9, 2020  
Trial Date: None

1 The Motion of Plaintiff Hugo Troncoso (“Plaintiff”) for Preliminary Approval of Class Action  
2 Settlement will come on regularly for hearing before this Court on November 17, 2021 at 10:00 a.m.  
3 The Court, having considered the proposed Stipulation of Settlement (the “Settlement”), attached as  
4 Exhibit 1 to the Declaration of Elizabeth Nguyen filed concurrently with the Motion; having considered  
5 Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, Memorandum of Points and  
6 Authorities in support thereof, and supporting declarations filed therewith; and good cause appearing,  
7 **HEREBY ORDERS THE FOLLOWING:**

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

15 All current and former non-exempt, hourly, employees of Defendant Aranda  
16 Tooling, Inc. who worked in California at any time between April 6, 2016 and the  
17 date of preliminary approval or the first day after the date on which the number of  
18 workweeks exceeds 48,797, whichever comes first.

19 3. For purposes of the Settlement, the Court designates named Plaintiff Hugo Troncoso as  
20 Class Representative, and Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC  
21 and Paul Haines of Haines Law Group, APC as Class Counsel.

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

24 5. The Court approves, as to form and content, the Notice Packet (which is comprised of the  
25 Notice of Pendency of Class Action and Settlement and Notice of Settlement Award) which is attached  
26 to the Settlement as Exhibit A.

27 6. The Court finds that the form of notice to the Settlement Class regarding the pendency of  
28

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

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

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

13 9. The Court directs the Settlement Administrator to mail the Notice Packet to the members  
14 of the Settlement Class in accordance with the terms of the Settlement.

15 10. The Class Notice shall provide at least 60 calendar days' notice for members of the  
16 Settlement Class to opt out of, or object to, the Settlement.

17 11. The Final Fairness Hearing on the question of whether the Settlement should be finally  
18 approved as fair, reasonable, and adequate is scheduled in Department S-26 of this Court, located at 247  
19 West Third Street, San Bernardino, California 92415 on 3/17, 2021 at 10:00 a.m. /  
20 p.m.

21 12. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should  
22 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment  
23 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for  
24 reasonable attorneys' fees, reimbursement of litigation expenses, service award to Plaintiff, and payment  
25 to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code  
26 Private Attorneys General Act ("PAGA") should be granted.

27 13. Counsel for the parties shall file memoranda, declarations, or other statements and  
28 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation

1 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA for  
2 PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil  
3 Procedure and the California Rules of Court.

4 14. An implementation schedule is below:


| 5 <b>Event</b>  | <b>Date</b>  | <b>Actual Date<sup>1</sup></b> |
|---|--|--------------------------------|
| 6 Defendant to provide Class Data to Settlement Administrator   | 20 calendar days after entry of an order granting preliminary approval       | December 7, 2021               |
| 7 Settlement Administrator to mail Notice Packets to Class Members                                    | 14 calendar days after receiving Class Information from Defendant            | December 21, 2021              |
| 8 Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement | 45 calendar days after mailing of the Notice by the Settlement Administrator | February 4, 2022               |
| 9 Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:                | 16 court days before Final Fairness Hearing                                  |                                |
| 10 Final Fairness Hearing:  | <u>3/14</u> , 2021   |                                |

13  
14 15. Pending the Final Fairness Hearing, all proceedings in this action, other than  
15 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order,  
16 are stayed.

17 16. 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 either  
19 this Order or the terms of the Settlement.

20 **IT IS SO ORDERED.**

21  
22 Dated: 11/17, 2021

23   
24 \_\_\_\_\_  
25 Honorable David Cohn  
26 Judge of the Superior Court

27  
28 <sup>1</sup> These dates are based on the Court granting preliminary approval at the hearing, currently noticed for November 17, 2021.