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

MAR 04 2022

BY Jessica Morales
JESSICA MORALES, DEPUTY

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN BERNARDINO**
12 **SAN BERNARDINO DISTRICT**

13
14 ROSA ORNELAS, individually, and on
15 behalf of all other Aggrieved Employees,

16 Plaintiff,

17 v.

18 MASTERCORP COMMERCIAL
19 SERVICES, LLC, a Tennessee
20 corporation; and DOES 1 through 50,
21 inclusive,

22 Defendants.
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Case No.: CIVSB 2114590

[Assigned for all purposes to the Honorable
David Cohn, Department S26]

**[PROPOSED] PRELIMINARY APPROVAL
ORDER**

RECEIVED
FEB 14 2022
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

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1. This Order incorporates by reference the definitions in the Settlement Agreement, and terms defined therein shall have the same meaning in this Order as set forth in the Settlement Agreement.

3. The Court finds on a preliminary basis that the settlement memorialized in the Settlement Agreement appears to be fair, adequate, and reasonable. The Court recognizes the significant value of the monetary recovery provided to all Class Members and finds that such recovery is fair, adequate and reasonable when balanced against further litigation related to liability and damages issues. It appears that the Parties have conducted extensive and costly investigation, informal discovery, research and litigation such that Class Counsel and Defendant's Counsel are able to reasonably evaluate their respective positions at this time. It further appears to the Court that the proposed Settlement, at this time, will avoid substantial additional costs by all Parties, as well as avoid the risks and delay inherent to further prosecution of this Action. It also appears that the Parties reached the Settlement as the result of intensive, serious and non-collusive, arms-length negotiations facilitated by an experienced and neutral mediator. Thus, the Court finds on a preliminary basis that the Settlement Agreement appears to be within the range of reasonableness of a settlement that could ultimately be given final approval by this Court. Accordingly, the Motion for Preliminary Approval of Class Action Settlement is hereby **GRANTED**.

28

1 All individuals who worked as non-exempt employees for MasterCorp Commercial
2 Services, LLC in California during the time period of May 25, 2017 through January 8,
3 2022.

4 5. Should for whatever reason the Settlement not become final, the fact that the Parties
5 were willing to stipulate to certification of the Class as part of the Settlement shall have no bearing
6 on, nor be admissible in connection with, the issue of whether a class should be certified in a non-
7 settlement context.
8

9 6. The rights of any potential dissenters to the proposed Settlement are adequately
10 protected in that they may exclude themselves from the Settlement of the Class Member Released
11 Claims, or they may object to the Settlement of the Claims and appear before this Court. However,
12 to do so they must follow the procedures outlined in the Settlement Agreement and Notice of
13 Settlement.
14

15 7. The Court finds that the Notice of Class Action Settlement that Plaintiffs provided
16 to the California Labor and Workforce Development Agency ("LWDA") satisfies the notice
17 requirements of the California Private Attorneys General Act ("PAGA")

18 8. The Court finds, for settlement purposes, that the Class meets the requirements for
19 certification under California Code of Civil Procedure § 382 in that: (a) the Class is so numerous
20 that joinder is impractical; (b) there are questions of law and fact that are common, or of general
21 interest, to the Class, which predominate over any individual issues; (c) Plaintiff's claims are
22 typical of the claims of the Class; (d) Plaintiff and Plaintiff's counsel will fairly and adequately
23 protect the interests of the Class; and (e) a class action is superior to other available methods for
24 the fair and efficient adjudication of the controversy.

25 9. The Court appoints, for settlement purposes, Plaintiff Rosa Ornales as
26 representative for the Class. Further, the Court preliminarily approves s Service Award to this class
27 representative in an amount not to exceed Six Thousand Dollars (\$6,000).

28 10. The Court appoints, for settlement purposes, the Law Office of Scott E. Wheeler, as

Counsel for the Class. Further, the Court preliminarily approves a Class Counsel Award, which includes attorneys' fees not to exceed One Hundred Sixteen Thousand Five Hundred Dollars (\$116,500) and costs not to exceed Twenty Thousand Dollars (\$20,000). The Class Counsel Award shall be subject to final approval of the Court.

11. The Court appoints Phoenix Settlement Administrators as the Settlement Administrator to administer the Notice of Settlement pursuant to the terms in the Settlement Agreement.

12. The Parties are ordered to carry out the Settlement according to the following implementation schedule:

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	March 24, 2022
Last day for Settlement Administrator to mail Class Notice	April 7, 2022
Last day for Class Members to submit a dispute, Request for Exclusion, or Objection	May 23, 2022
Last Day to file Motion for Final Approval and Motion for Attorneys' Fees and Costs and Class Representative Service Award	Per Code
Final Approval Hearing	June 27, 2022

13. The Court approves as to form and content the Notice of Class Settlement.

14. The Court finds that the method of giving notice to the Class constitutes the best means practicable of providing notice under the circumstances. The Court further finds that the Notice of Class Settlement and the method of giving notice to the Class meet the requirements of California Code of Civil Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, and due process under the California and United States Constitutions, and other applicable law.

15. At the Final Approval Hearing, the Court will consider, *inter alia*, whether the Settlement should be finally approved as fair, reasonable and adequate whether a final judgment should be entered and whether the payments provided for under the Settlement, including

1 attorneys' fees and costs and class representative service award, should be finally approved and
2 granted.

3 16. Pending the Final Approval Hearing, all proceedings in this Action, other than
4 proceedings necessary to implement the Settlement and this Order, are stayed.

5 **IT IS SO ORDERED.**

6
7 DATED: 3.4.22

RAFAEL A ARREOLA

HONORABLE DAVID COHN
JUDGE OF THE SUPERIOR COURT