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FILED
ALAMEDA COUNTY

JUN 08 2022

CLERK OF THE SUPERIOR COURT
By *A. Mendez* Deputy

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

ANDREW MCEATHRON and JUAN
BAUTISTA, individually, and on behalf of
other members of the general public similarly
situated;

Plaintiff,

v.

AHERN RENTALS, INC., an unknown
business entity; and DOES 1 through 100
inclusive,

Defendants.

Case No.: RG17867366

Assigned for All Purposes to:
Honorable Stephen Kaus
Department 19

CLASS ACTION

^{SK}
**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT,
CONDITIONAL CERTIFICATION,
APPROVAL OF CLASS NOTICE,
SETTING OF FINAL APPROVAL
HEARING DATE**

[Reservation ID: 244822460430]

Hearing Date: June 6, 2022
Hearing Time: 3:00 p.m.
Hearing Place: Department 19

Complaint Filed: July 12, 2017
FAC Filed: December 21, 2021
Trial Date: None Set

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 The Motion for Preliminary Approval of Class Action Settlement came before this Court,
3 the Honorable Stephen Kaus presiding, on June 6, 2022 at 3:00 p.m. The Court having considered
4 the papers submitted in support of the Motion, HEREBY ORDERS THE FOLLOWING:

5 1. The following Class is conditionally certified for purposes of settlement only: all
6 current and former hourly-paid or non-exempt Ahern Rentals employees who have worked in
7 California at any time between July 12, 2013 and August 27, 2021 (“Class”). The Class Period
8 is the time period between July 12, 2013, and August 27, 2021 (“Class Period”).

9 2. The Court grants preliminary approval of the settlement based upon the terms set
10 forth in the Settlement Agreement (“Settlement Agreement”), attached hereto as **Exhibit 1**.
11 Capitalized terms shall have the definitions set forth in the Settlement Agreement.

12 3. The Settlement appears to be fair, adequate, and reasonable to the Class. The
13 Settlement falls within the range of reasonableness and appears to be presumptively valid, subject
14 only to any objections that may be raised at the final approval hearing and final approval by this
15 Court.

16 4. Plaintiffs Andrew McEathron and Juan Butista (“Plaintiffs”) are conditionally
17 approved as the Class Representatives for the Class.

18 5. Douglas Han, Shunt Tatavos-Gharajeh, and Phillip Song of Justice Law
19 Corporation are conditionally approved as Class Counsel for the Class.

20 6. A Final Approval Hearing on the question of whether the Settlement Agreement,
21 the Class Counsel Fees, the Costs Payment, and the Class Representative Enhancement Payments
22 should be finally approved as fair, reasonable, and adequate as to all Class Members who do not
23 submit a valid and timely request to exclude themselves from the class action Settlement
24 (“Participating Class Members”) is scheduled on the date and time set forth in Paragraph 12
25 below.

26 7. The Court confirms Phoenix Class Action Settlement Administrators (“Phoenix”)
27 as the Settlement Administrator.

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1 8. The proposed payment of Administration Costs is not to exceed \$20,000 to Phoenix
2 for its services is conditionally approved.

3 9. The Court also hereby conditionally approves and orders payment from the Gross
4 Settlement Amount the Private Attorneys General Act of 2004 (“PAGA”) Payment (“PAGA
5 Payment”) of \$100,000, seventy-five percent (75%) of which (\$75,000) will be paid to the
6 California Labor and Workforce Development Agency (“LWDA”) and twenty-five percent
7 (25%) of which (\$25,000) shall be distributed to: (a) all non-exempt employees employed by
8 Defendants in California at any time during the period between May 2, 2017, and August 27,
9 2021; (“Eligible Aggrieved Employees”), on a pro rata basis.

10 10. The Court approves, as to form and content, the Notice of Class Action Settlement
11 (“Class Notice”) as attached as **Exhibit A** to the Settlement Agreement. The Court also approves
12 the procedure for Class Members to participate in, to opt out of, and to object to the Settlement
13 as set forth in the Class Notice.

14 11. The Court directs the mailing of the Class Notice to all identified Class Members
15 via first-class regular U.S. Mail in accordance with the implementation schedule set forth in
16 paragraph 12 below. The Court finds the dates selected for the mailing and distribution of the
17 Class Notice, as set forth in the Implementation Schedule, meet the requirements of due process
18 and provide the best notice practicable under the circumstances and shall constitute due and
19 sufficient notice to all persons entitled.

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1 12. The Court orders the following Implementation Schedule for further
2 proceedings:

3 a.	Deadline for Defendants to submit Class Data to Settlement Administrator	Within fourteen (14) calendar days after entry of the Preliminary Approval Order
4 b.	Deadline for Settlement Administrator to mail the Class Notice to Class Members	Within thirty (30) calendar days after entry of the Preliminary Approval Order
5 c.	Deadline for Class Members to request for exclusion from Settlement or postmark objections to Settlement to the Settlement Administrator	Within forty-five (45) calendar days from the initial mailing of the Class Notice
6 e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement	Sixteen (16) Court days before Final Approval Hearing in conformity with Code of Civil Procedure § 1005
7 f.	Deadline for Class Counsel to file Motion for Class Counsel Fees, Costs Payment, and Class Representative Enhancement Payments	Sixteen (16) Court days before Final Approval Hearing in conformity with Code of Civil Procedure § 1005
8 g.	Final Approval Hearing and Final Approval	_____, 2022 * at 3:00 p.m. in Department 19

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15 **IT IS SO ORDERED.**

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17 Dated: 6/8/2022

18 By Stephen Kaus
Honorable Stephen Kaus
Judge of the Superior Court

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20 * Parties have suggested week
21 of 10/10/22. Parties may reserve
22 10/10 or 10/12 that week.
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