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**FILED**  
Superior Court of California  
County of Los Angeles  
08/18/2022

Sherri R. Carter, Executive Officer / Clerk of Court  
By:                     A. Lim                     Deputy

7 Attorneys for Plaintiff Gary Gonzalez,  
8 individually, and on behalf of all other similarly situated employees

9 **SUPERIOR COURT OF STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

11 GARY GONZALEZ, as an individual and on  
12 behalf of other similarly situated employees,

13 Plaintiff,

14 vs.

15 STAR WAGGONS, INC., a California  
16 corporation, and DOES 1-50, inclusive,

17 Defendant.

) Case No.: 20STCV40531

) Assigned for all purposes to:  
) Hon. William F. Highberger  
) Dept. 10

) **~~PROPOSED~~ ORDER GRANTING**  
) **MOTION FOR PRELIMINARY**  
) **APPROVAL OF CLASS ACTION**  
) **SETTLEMENT**

) Date: July 12, 2022  
) Time: 4:00 p.m.  
) Place: Department 10

1  
2 THIS MATTER having been brought before the Court on behalf of Plaintiff Gary  
3 Gonzalez (referred to herein as “Plaintiff”), through their attorneys, pursuant to California Rule  
4 of Court 3.769 and other applicable rules and laws, to request an order granting preliminary  
5 approval of a class action settlement and directing the dissemination of notice to the class (the  
6 “Order”); the Court having reviewed the Plaintiff’s submissions, having held a hearing on July  
7 12, 2022, and having found that Plaintiff is entitled to the relief sought, and for good cause  
8 shown:

9 IT IS HEREBY ORDERED that Plaintiff’s motion is GRANTED, and it is further  
10 ORDERED as follows:

11 1. This proposed fully executed Stipulation of Class Action Settlement (“Settlement  
12 Agreement” or “Agreement”), submitted with the motion and filed with the Court, is  
13 preliminarily approved as being within the ballpark of reasonableness.<sup>1</sup>  
14

15 2. Based upon the submission to the Court and attachments and exhibits thereto, the  
16 Court conditionally makes the following findings solely for settlement purposes only, subject to  
17 final approval at the Final Approval Hearing:

- 18 a. The approximate size of the class is so numerous as to make joinder  
19 impracticable;
- 20 b. Plaintiff’s claims are typical of the claims of the class as a whole because they  
21 arise from the same factual basis and are based on the same legal theories as  
22 those applicable to other class members;
- 23 c. Plaintiff’s interests are co-extensive with those of the class;
- 24

25  
26  
27 <sup>1</sup> Unless otherwise specified, all defined terms in this Order have the same meaning as the meaning  
28 described in the Settlement Agreement, and those terms are incorporated here by this reference. To the extent there  
is any conflict between the definitions of those terms, the definitions in the Settlement Agreement will control.

- 1 d. Named Plaintiff and Class Counsel can protect and have fairly and adequately  
2 protected the interest of the Class members in the lawsuit; and  
3 e. A class action is superior to all other available methods for fairly and  
4 efficiently resolving the claims in connection to this lawsuit and provides  
5 substantial benefits to the Class Members.

6 3. Accordingly, solely for purposes of this settlement only, the Court preliminarily  
7 approves the Named Plaintiff as representative of the Class Members, and conditionally certifies  
8 a settlement class defined as follows:  
9

10 **Settlement Class**- All current and former non-exempt employees of Defendant that  
11 have worked for Defendant in the State of California at any time from October 22,  
12 2016 through the date of Preliminary Approval by the Court (“Settlement Class” or  
13 “Settlement Class Members”)

14 **PAGA Group Members**- All current and former non-exempt employees of  
15 Defendant that have worked for Defendant in the State of California at any time from  
16 October 21, 2019 through the date of Preliminary Approval by the Court (“PAGA  
17 Group Members”)

18 4. This matter is conditionally certified as a class action for settlement purposes only  
19 under California Code of Civil Procedure Section 382 and California Rules of Court, Chapter 6,  
20 Rules 3.767 *et seq.*, and/or other laws as applicable. If the settlement does not receive final  
21 approval, Defendants retain the right to assert that this action may not be certified as a class  
22 action for liability purposes.

23 5. Solely for purposes of implementing the Settlement Agreement and for purposes of  
24 this settlement, the Court preliminarily appoints as Class Counsel Jackson Law, APC.

25 6. The Court finds that the Settlement Agreement falls within the range of possible  
26 approval such that it warrants notice thereto and further orders notice of the settlement to be  
27 disseminated to the Class Members in the manner set forth herein and in the Settlement  
28 Agreement.

1           7. A final hearing (the “Final Approval Hearing” or “Final Fairness Hearing” or  
2 “Fairness Hearing” ) shall be held before this Court on ~~October 25, 2022~~ <sup>Re: EA 2022</sup> at 11:00 a.m. to  
3 determine whether: (a) the Court should finally approve the Settlement Agreement and determine  
4 that the terms contained therein are fair, reasonable, adequate, and in the best interests of the  
5 Class Members, (b) the Court should enter final judgment dismissing with prejudice the  
6 operative Complaint in this lawsuit, (c) to approve the application for the Attorneys’ Fee Award  
7 to Class Counsel and Named Plaintiff’s Incentive Awards in a manner consistent with the  
8 Settlement Agreement. The Final Approval Hearing may be postponed, adjourned or continued  
9 by further order of this Court, without further notice to the Class Members.  
10

11           8. At the Final Approval Hearing, the Court will consider and determine whether the  
12 Settlement Agreement should be finally approved as fair, adequate and reasonable in light of any  
13 timely valid objections presented by the Class Members and the parties’ responses to any such  
14 objections that have been submitted to the Court in accordance with the provisions set forth  
15 below.

16           9. The Court hereby approves the appointment of Phoenix Settlement Administrators.  
17 (“Claims Administrator”) as the Claims Administrator for the purposes of disseminating the  
18 Class Notice and Exclusion Form, which are hereby approved, and for purposes of administering  
19 the terms of the settlement as set forth in the Settlement Agreement. The Claims Administrator  
20 shall perform its duties consistent with the provisions contained within the Settlement  
21 Agreement.

22           10. Any Class Member may object to the fairness, reasonableness or adequacy of the  
23 proposed settlement. To assert an objection to the Settlement, a Class Member may file an  
24 objection with the Court either in writing or at the time of the hearing. Regardless of whether a  
25 Class Member timely submits a written objection and/or notice of intention to appear, any  
26 Settlement Class Member may appear at the Final Approval Hearing and ask for his or her  
27 objection to be heard by the Court.  
28

1 11. The Court finds that the manner of dissemination and content of the Class Notice  
2 specified in detail in the Settlement Agreement (i) is the best notice practicable, (ii) is reasonably  
3 calculated, under the circumstances, to apprise Class Members of the pendency of the lawsuit  
4 and of their right to object to or to exclude themselves from the proposed settlement, (iii) is  
5 reasonable and constitutes due, adequate and sufficient notice to all persons entitled to receive  
6 notice, and (iv) meets all applicable requirements of applicable law.

7 12. Class Counsel shall file and serve papers in support of final approval of the  
8 Settlement no later than ~~October 3, 2022~~ <sup>Ö^&ÄÉ</sup>, 2022.

9 13. The Claims Administrator is hereby ordered prior to the time of the final fairness  
10 Hearing to submit a declaration attesting to the total costs incurred and anticipated cost to be  
11 incurred to finalize the settlement for approval by the Court and file an affidavit attesting  
12 completeness and accuracy of the proof of mailing of the Class Notice, Claim Form and  
13 Exclusion Form to the Class Members.  
14

15 Dated: 08/18/2022

JUDGE OF THE SUPERIOR COURT

17 By:   
18 The Honorable Judge William F. Highberger