

JUN 28 2022 C.N.M.

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and Proposed Class Counsel
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LAKE**
11

12 DOMINIQUE MITCHELL, on behalf of
herself and all "aggrieved employees"
13 pursuant to Labor Code § 2698 *et seq.*,

14 Plaintiffs,

15 v.

16 COLEMAN ENVIRONMENTAL
ENGINEERING, INC., a California
17 corporation, DOES 1 through 10, inclusive,

18 Defendants.
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CASE NO: CV421915

*Assigned to the Honorable Michael S. Lunas
Department 1*

**~~PROPOSED~~ ORDER (1) GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND (2)
GRANTING LEAVE TO FILE FIRST
AMENDED COMPLAINT**

DATE: August 1, 2022

TIME: 9:00 a.m.

DEPT.: 1

Action Filed: July 1, 2021

FILED
SUPERIOR COURT
COUNTY OF LAKE

AUG 15 2022

BY 
Deputy Clerk

BY FAX

SCANNED

1 Plaintiff Dominique Mitchell's ("Plaintiff" or "Mitchell") Unopposed Motion for
2 Preliminary Approval of Class Action Settlement and for Leave to File First Amended Complaint
3 came on for hearing before this Court in Department 1, Judge Michael S. Lunas presiding, on
4 August 1, 2022. The Court, having considered the papers submitted in support of the motion and
5 having heard oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Settlement Agreement and Release of Claims ("Settlement") filed with the Court. The
8 settlement appears to be fair, adequate, and reasonable to the Class;

9 2. The Court finds that the settlement falls within the range of reasonableness and
10 appears to be presumptively valid, subject only to any objections that may be raised at the final
11 hearing;

12 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
13 Class Action Settlement and Final Hearing ("Notice") and the Request for Exclusion form, and also
14 approves the procedure for members of the Class to object to the settlement set forth in the Notice;

15 4. The Court directs the mailing of the Notice and Request for Exclusion form by first
16 class mail to the Settlement Class Members in accordance with the schedule set forth below. The
17 Court finds that the dates selected for the mailing and distribution of the Notice and Request for
18 Exclusion form, as set forth herein, meet the requirements of due process and provide the best
19 notice practicable under the circumstances and shall constitute due and sufficient notice to all
20 persons entitled thereto;

21 5. It is ordered that the Settlement Class is preliminarily certified for settlement
22 purposes only. The Settlement Class is defined as follows: all non-exempt California employees
23 of Defendant from April 21, 2020 through March 24, 2022;

24 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
25 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
26 of up to 35% of the Maximum Settlement Amount (or \$148,750) and documented litigation costs
27 of up to \$15,000 to Class Counsel, subject to final approval by the Court following a further motion
28 by Class Counsel;

1 7. The Court approves and appoints Plaintiff Dominique Mitchell as the Class
2 Representative and grants preliminary approval to a proposed Enhancement Payment in an amount
3 not to exceed \$12,000;

4 8. The Court grants preliminary approval of the allocation of \$10,000 to penalties
5 under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of which 75% (\$7,500) shall
6 be paid to the LWDA and 25% (\$2,500) shall be included in the Net Settlement Proceeds for
7 payment to Class Members;

8 9. The Court hereby approves and appoints Phoenix Class Action Administration
9 Solutions as the Settlement Administrator and grants preliminary approval of the payment of fees
10 and other charges of the Settlement Administrator in an amount not to exceed \$12,500;

11 10. The Court grants Plaintiff leave to file the First Amended Class and Representative
12 Action Complaint attached as Exhibit 3 to the Settlement, within five (5) court days of the entry of
13 this Order, and consents that Defendant is not required to file a responsive pleading thereto;

14 11. The Court orders the following schedule of dates for the specified actions/further
15 proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and their dates of employment in a non-exempt position in California during the Class Period ("Settlement Class Information")	10 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice and Request for Exclusion form to Class Members	20 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Class Members to submit a written Request for Exclusion form to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Members to submit an Objection to the Settlement Administrator	45 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	10 calendar days before the final settlement approval hearing date

<u>EVENT</u>	<u>TIMING</u>
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days before the final settlement approval hearing date
Final settlement approval hearing	<u>November 7,</u> 2022, at <u>9:00 a.m.</u> (approximately 85 days after entry of this Order)

IT IS SO ORDERED.

Dated: 8-15-22



JUDGE OF THE SUPERIOR COURT
Michael S. Lunas

CERTIFICATE OF SERVICE

I am a Judicial Assistant of the County of Lake, State of California, and a Clerk of the Superior Court of said State for said County. I am over the age of 18 and not a party to, or interested in, the action to which this document is attached.

On 8/16/22 I served a true and correct copy of the following:

**Mitchell v Coleman Environmental Engineering, Inc CV421915
Order (1) Granting Preliminary Approval of Class Action Settlement and (2) Granting
Leave to file First Amended Complaint**

On the party in the said action, as follows:

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CHRISTOPHER GONZALES
LEECH TISHAN FUSCALDO & LAMPL, INC
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- ☐ **Courthouse Mailbox:** By placing a true and correct copy thereof in the designated mail slot, for the person(s) as indicated above, in the office of the Lake County Superior Court Clerk
- ☒ **U.S. Postal Service:** By placing such envelope(s) with postage thereon fully prepared in the designated area for out-going mail in accordance with this office's practice, whereby the mail is deposited in a U.S. mailbox in the city of Lakeport, California 95453
- ☐ **Email**

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

DATED: 8/16/22


TINA SANDERSON
Judicial Assistant