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

DEC 13 2022

BY   
DEPUTY  
**Samantha Neubauer**

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SAN BERNARDINO**

DAVIS ALLEN, and on behalf of all others  
similarly situated,  
  
Plaintiff,  
  
vs.  
  
CREATIVE STONE MFG. INC., dba  
CORONADO STONE PRODUCTS, INC., a  
California Corporation; and DOES 1-10,  
inclusive,  
  
Defendants.

Case No.: CIVSB2201498  
Assigned For All Purposes To:  
Judge: Hon. David Cohn  
Dept.: S26

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

Date: December 13, 2022  
Time: 10:00 a.m.  
Dept.: S-26

Action Filed: June 29, 2021  
Trial Date: None Set

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

1 The Motion of Plaintiff Davis Allen (“Plaintiff”) for Preliminary Approval of Class  
2 Action Settlement came on regularly for hearing before this Court on December 13, 2022 at 10:00  
3 a.m. This Court, having considered the proposed Stipulation of Settlement (the “Settlement”),  
4 attached to the Declaration of Paul K. Haines filed concurrently herein; having considered  
5 Plaintiff’s Motion for Preliminary Approval of Class Action Settlement, Memorandum of Points  
6 and Authorities in support thereof, and supporting declarations filed therewith; and good cause  
7 appearing, HEREBY ORDERS THE FOLLOWING:

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

15 All current and former non-exempt employees of Defendant  
16 Creative Stone Mfg., Inc. employed in the State of California  
17 between April 6, 2016, through June 22, 2021 (the “Class Period”).

18 2. The Court GRANTS the Parties’ request to file the Second Amended Class and  
19 Representative Action Complaint (“SAC”), filed concurrently with the Motion for Preliminary  
20 Approval of Class Action Settlement. The SAC shall be deemed filed as of the date of this Order.

21 3. For purposes of the Settlement, the Court designates named Plaintiff Davis Allen  
22 as Class Representative, and designates James Hawkins APLC and Haines Law Group, APC as  
23 Class Counsel.

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

26 5. The Court approves, as to form and content, the Class Notice and Notice of  
27 Estimated Settlement Award (collectively, the “Notice Packet”), attached as Exhibits 1 and 2,  
28 respectively, to the Settlement.

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

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

7 7. The Court further approves the procedures for the Settlement Class members to  
8 opt out of or 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  
12 due process rights of all members of the Settlement Class.

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

15 10. The Class Notice shall provide at least forty-five (45) calendar days' notice for  
16 Settlement Class members to opt out of, or object to, the Settlement.

17 11. The Final Fairness Hearing on the question of whether the Settlement should be  
18 finally approved as fair, reasonable, and adequate is scheduled in Department S-26 of this Court,  
19 located at 247 West Third Street, San Bernardino, California on 4/27, 2023  
20 at 10:00 a.m. / p.m.

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

28 13. Counsel for the parties shall file memoranda, declarations, or other statements and

1 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation  
2 expenses, Plaintiff's service award, payment to the LWDA, and settlement administration costs,  
3 prior to the Final Fairness Hearing according to the time limits set by the Code of Civil Procedure  
4 and the California Rules of Court.

5 14. An implementation schedule is below:


Event	Date
Defendant to provide Class Data to the Settlement Administrator no later than [10 business days after preliminary approval]:	December 27, 2022
Settlement Administrator to mail the Notice Packet to Settlement Class members no later than [10 business days after receiving Class Data]:	January 10, 2023
Deadline for Settlement Class members to request exclusion from, or object to, the Settlement [45 calendar days after mailing]:	February 24, 2023
Deadline for Plaintiff to file his Motion for Final Approval of Class Action Settlement:	March 24, 2023
Final Fairness Hearing:	<u>4/27/</u> , 2023

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

19 16. Counsel for the parties are hereby authorized to utilize all reasonable procedures  
20 in connection with the administration of the Settlement which are not materially inconsistent with  
21 either this Order or the terms of the Settlement.

22 **IT IS SO ORDERED.**

23 Dated: 12/13, 2022

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26 Hon. David Cohn  
27 Judge of the Superior Court  
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