

FILED / ENDORSED
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By T. Shaddix, Deputy Clerk

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6 Attorneys for OSCAR ALBARRAN and MAYDA PEREA, on behalf
7 of themselves and all others similarly situated and aggrieved.

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SACRAMENTO**

11 MAYDA PEREA, on behalf of herself and
12 all current and former aggrieved employees,

13 Plaintiff,
14 vs.

15 HORIZON PERSONNEL SERVICES, INC.
a California corporation, STAY SAFE
16 STAFFING, INC., a California corporation,
CHARLES KOMAR & SONS, INC., DBA
17 KOMAR DISTRIBUTION SERVICES, a
New York corporation, KOMAR
18 PROPERTIES OF OKLAHOMA, INC.,
DBA KOMAR DISTRIBUTION
19 SERVICES, and Oklahoma corporation,
JORGE CANTU, an individual, CARLOS
20 LOPEZ, an individual, and DOES 1-50,
Inclusive,

21 Defendants.

Case No.: 34-2018-00243114

Assigned for All Purposes to:
Hon. Jill Talley
Dept. 25

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

Date: December 2, 2022
Time: 9:00 a.m.
Dept. 25

Reservation No.: 2676494

BY FAX

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1 The Court, having read the papers filed regarding Plaintiffs' unopposed Motion for
2 Preliminary Approval of Class Action and PAGA Settlement, and having heard argument on the
3 Motion, hereby finds and ORDERS as follows:

4 1. The Stipulation of Class and Representative Action Settlement and Release
5 attached as Exhibit 1 to the Declaration of Zachary M. Crosner in support of Plaintiffs' unopposed
6 Motion for Preliminary Approval of Class Action and PAGA Settlement, filed on or about
7 September 30, 2022 (the "Settlement Agreement"); is within the range of possible recovery and,
8 subject to further consideration at the Final Approval Hearing described below, is preliminarily
9 approved as fair, reasonable, and adequate. The Court, for purposes of this Order, adopts all
10 defined terms as set forth in the Settlement Agreement.

11 2 For purposes of settlement only, the Court provisionally and conditionally certifies
12 the following class: "All individuals who worked as a non-exempt, hourly-paid employee
13 employed directly by Defendants Charles Komar & Sons, Inc., and Komar Properties of
14 Oklahoma, Inc. (together "Komar") in California during the Komar Class Period (December 14,
15 2016 through October 19, 2021, inclusive), and all individuals who worked as a non-exempt,
16 hourly-paid employee employed directly by Horizon Personnel Services, Inc., and Stay Safe
17 Staffing, Inc. (together "Horizon") and assigned to work at Komar in California during the
18 Horizon Class Period (from August 17, 2017 through July 30, 2019, inclusive).

19 3. The Court finds the Settlement Class, consisting of approximately 1,400 members,
20 is so numerous that joinder of all members is impracticable, and that the Settlement Class is
21 ascertainable by reference to the business records of Defendants.

22 4. The Court finds further there are questions of law and fact common to the entire
23 Settlement Class, which common questions predominate over any individualized questions of law
24 or fact. These common questions include, without limitation: (1) whether Defendants paid
25 Settlement Class Members for all hours worked, (2) whether Defendants provided Settlement
26 Class Members with all required meal and rest periods, and (3) whether Defendants provided
27 Settlement Class Members with proper itemized wage statements.

28 5. The Court finds further the claims of named Plaintiffs Oscar Albarran and Mayda

1 Perea are typical of the claims of the Settlement Class, and that they will fairly and adequately
2 protect the interests of the Settlement Class. Accordingly, the Court appoints Oscar Albarran and
3 Mayda Perea as the Class Representatives, and appoints their counsel of record, Zachary M.
4 Crosner and Crosner Legal, PC, as Class Counsel.

5 6. The Court finds further that certification of the Settlement Class is superior to other
6 available means for the fair and efficient adjudication of the controversy.

7 7. The Court finds further that, in the present case, the proposed method of providing
8 notice of the Settlement to the Settlement Class via First Class U.S. Mail to each Settlement Class
9 Member's last known address, is reasonably calculated to notify the Settlement Class Members of
10 the proposed Settlement and provides the best notice possible under the circumstances. The Court
11 also finds the Notice of Class Action Settlement form is sufficient to inform the Settlement Class
12 Members of the terms of the Settlement and their rights thereunder, including the right to object to
13 the Settlement or any part thereof and the procedure for doing so, their right to exclude themselves
14 from the Settlement and the procedure for doing so, their right to obtain a portion of the
15 Settlement proceeds, and the date, time and location of the Final Approval Hearing. The proposed
16 Notice of Class Action Settlement, the proposed Request for Exclusion Form, proposed Objection
17 Form, and the procedure for providing Notice set forth in the Settlement Agreement, all are
18 approved by the Court.

19 8. Under the terms of the Settlement Agreement, the Court approves the Parties'
20 selection of Phoenix Settlement Administrators as the Settlement Administrator. The Settlement
21 Administrator is ordered to mail the Class Notice to the Settlement Class Members via First-Class
22 U.S. Mail as specified in the Settlement Agreement, and to otherwise carry out all other duties set
23 forth in the Settlement Agreement. The Parties are ordered to carry out and comply with all terms
24 of this Order and the Settlement Agreement, and particularly with respect to providing the
25 Settlement Administrator all information necessary to perform its duties under the Settlement
26 Agreement.

27 9. Any member of the Settlement Class who wishes to comment on or object to the
28 Settlement or any term thereof, including any proposed award of attorney's fees and costs to Class

1 Counsel or any proposed representative enhancement to the Class Representatives, shall have
2 forty-five (45) days from the mailing of the Class Notice to submit his or her comments and/or
3 objection to the Settlement Administrator, as set forth in the Settlement Agreement and Class
4 Notice.

5 10. Any member of the Settlement Class who wishes to exclude themselves from the
6 Settlement shall have forty-five (45) days from the mailing of the Class Notice to submit his or her
7 Request for Exclusion to the Settlement Administrator, as set forth in the Settlement Agreement
8 and Class Notice.

9 11. The Settlement administrator is ordered to file a declaration in advance of the Final
10 Approval Hearing attaching and authenticating all Requests for Exclusion, if any, and further
11 attaching and authenticating all Objections, if any.

12 12. A Final Approval Hearing is hereby set for May 5, 2023, at 9:00 a.m. in
13 Department 25 of the Sacramento County Superior Court, to consider any objections to the
14 Settlement, determine if the proposed Settlement should be found fair, adequate and reasonable
15 and given full and final approval by the Court, and to determine the amount of attorney's fees and
16 costs awarded to Class Counsel, the amount of any representative enhancement award to the Class
17 Representative, and to approve the fees and costs payable to the Settlement Administrator. All
18 legal memoranda, affidavits, declarations, or other evidence in support of the request for final
19 approval, the award of attorney's fees and costs to Class Counsel, the enhancement awards to the
20 Class Representatives, and the fees and costs of the Settlement Administrator, shall be filed no
21 later than sixteen (16) court days prior to the Final Approval Hearing. The Court reserves the right
22 to continue the Final Approval Hearing without further notice to the Settlement Class Members.

23 13. Provided he or she has not submitted a timely and valid Request for Exclusion, any
24 Settlement Class Member may appear, personally or through his or her own counsel, and be heard
25 at the Final Approval Hearing regardless of whether he or she has submitted a written objection.

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Dated: 12/14/22



Judge of the Superior Court

JILL H. TALLEY