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11  
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **FOR THE COUNTY OF NEVADA**  
14

15 KEENAN PATTON, an individual, on behalf  
of himself and others similarly situated,

16 PLAINTIFF,

17 v.

18 SKYLER ELECTRIC CO., INC.; and DOES  
19 1 thru 50, inclusive,

20 DEFENDANTS.  
21  
22  
23  
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28

**FILED**

BY SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF NEVADA

03/21/2023

JASON B. GALKIN, CLERK OF THE COURT  
HEATHER MCCARTHY, DEPUTY

CASE NO. CU17-082544

[Case Assigned for All Purposes to Hon.  
Thomas Anderson in Dept. 6]

**[PROPOSED] AMENDED ORDER  
GRANTING PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

Date: March 3, 2023

Time: 10:00 a.m.

Dept.: 6

Complaint Filed: April 4, 2017

FAC Filed: June 12, 2017

Trial Date: None Set

1 The Motion for Preliminary Approval of the Class Settlement came before this Court on  
2 March 3, 2023, the Honorable Thomas Anderson, presiding. The Court, having considered the  
3 papers submitted in support of the motion of the parties, **HEREBY ORDERS THE**  
4 **FOLLOWING:**

5 1. The Court grants preliminary approval of the proposed settlement based upon the  
6 terms set forth in the Class Action and PAGA Settlement Agreement ("Agreement") filed  
7 herewith. The Agreement appears to be fair, adequate, and reasonable to the Class. The Court  
8 finds that: (a) the Agreement resulted from extensive arm's length negotiations; and (b) the  
9 Agreement is sufficient to warrant notice of the Agreement to persons in the Class and a full  
10 hearing regarding final approval of the Agreement.

11 2. For purposes of this Order, the certified Class is defined as follows:

12 "All individuals who have been employed, or are currently  
13 employed, by Defendant as hourly Telecommunications  
14 Technicians or similar titles, from April 4, 2013, up to August 14,  
2020." ("Settlement Class Members" "Class Members" or "Class")

15 3. The Class Period is April 4, 2013 through August 14, 2020.

16 4. "Aggrieved Employee" means all persons who are employed or have been  
17 employed as a Telecommunications Technician, as an hourly employee by Defendant in the state  
18 of California who worked one or more pay periods since April 6, 2016 to August 14, 2020.

19 5. The "PAGA Period" means the period from April 4, 2016, to August 14, 2020.

20 6. The Agreement falls within the range of reasonableness and appears to be  
21 presumptively valid, subject only to any objections that may be raised at the final fairness hearing  
22 and final approval by this Court.

23 7. The Court makes the following preliminary findings for settlement purposes only:

- 24 A. The Class, which consists of approximately 198 persons, is so numerous that  
25 joinder of all members is impracticable;
- 26 B. There appear to be questions of law or fact common to the Class for purposes  
27 of determining whether this Settlement should be approved;
- 28 C. Plaintiff's claims appear to be typical of the claims being resolved through  
the proposed settlement;



1 D. Plaintiff appears to be capable of fairly and adequately protecting the  
2 interests of the Settlement Class Members in connection with the proposed  
3 settlement;

4 E. Common questions of law and fact appear to predominate over questions  
5 affecting only individual persons in the Class. Accordingly, the Class  
6 appears to be sufficiently cohesive to warrant settlement by representation;  
7 and

8 F. Certification of the Class appears to be superior to other available methods  
9 for the fair and efficient resolution of the claims of the Class.

10 8. The Court approves, as to form and content, the Notice of Class Action Settlement  
11 to Settlement Class Members in substantially the form attached to the Agreement as Exhibit "A".

12 9. The Court approves the procedure for Settlement Class Members to opt out to the  
13 Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

14 10. The Court approves the procedure for Settlement Class Members to object to the  
15 Agreement as set forth in the Agreement and the Notice of Class Action Settlement.

16 11. The Court directs the mailing of the Notice of Class Action Settlement and related  
17 documents to members of the Class by first class mail in accordance with the Agreement and the  
18 implementation schedule set forth below. The Court finds that the dates selected for the mailing  
19 and distribution of the notice, as set forth in the following implementation schedule, meet the  
20 requirements of due process and provide the best notice practicable under the circumstances and  
21 shall constitute due and sufficient notice to all persons entitled thereto.

22 12. It is ordered that the Class is preliminarily certified for settlement purposes only.

23 13. The Court confirms Eric B. Kingsley and Liane Katzenstein Ly of Kingsley &  
24 Kingsley, APC and Walter L. Haines of United Employees Law Group, PC as Class Counsel.

25 14. The Court confirms KEENAN PATTON as Plaintiff.

26 15. The Court approves Phoenix Class Action Administration Solutions as the  
27 Settlement Administrator.

28 16. The Court orders that pursuant to the California Private Attorneys General Act,  
Labor Code §§ 2698, et seq. ("PAGA"), statutory notice of this Agreement has been and will  
continue to be given to the Labor & Workforce Development Agency.

1 17. A final fairness hearing on the question of whether the proposed Agreement,  
2 attorneys' fees and costs to Class Counsel, the PAGA payment, and the claims administration costs  
3 should be finally approved as fair, adequate, and reasonable as to the members of the Class is  
4 scheduled for July 21, 2023 at 10:00 a.m. (Pacific Time), in Department VI-6.

5 18. The Court orders the following Implementation Schedule for further proceedings:  
6

7 a.	Preliminary Approval Granted	March 3, 2023
8 b.	Deadline for Defendant to Provide Settlement Class 9 Members' Information to Settlement Administrator	15 calendar days from Entry of Preliminary Approval
10 c.	Settlement Administrator Shall Mail Notice to Settlement 11 Class Members	14 calendar days from receipt of the Class List from Defendant
12 d.	Deadline for Postmark of Any Objection	60 Days from Mailing of Notices
13 e.	Deadline for Class Counsel to file Motion for Final 14 Approval of Class Settlement	To be determined by the Court Per Code
15 f.	Deadline for Class Counsel to file Motion for Attorneys' 16 Fees	To be determined by the Court Per Code
17 g.	Final Approval Hearing	July 21, 2023

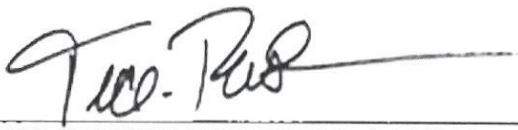
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19  
20 19. IT IS FURTHER ORDERED that if the Court does not execute and file an Order  
21 of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the  
22 "Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the  
23 subject of this Order shall become null, void, unenforceable and inadmissible in any judicial,  
24 administrative or arbitral proceeding for any purpose, and all evidence, court orders and  
25 proceedings had in connection therewith, shall be without prejudice to the status quo ante rights  
26 of the Parties to the litigation, as more specifically set forth in the ("Agreement.  
27

28 20. IT IS FURTHER ORDERED that, pending further Order of this Court, all

1 proceedings in this matter except those contemplated herein and in the Agreement are hereby  
2 stayed.

3 21. The Court expressly reserves the right to adjourn or continue the Final Fairness  
4 Hearing from time to time without further notice to members of the Class.

5  
6 DATED: 03/20/2023

  
7 JUDGE OF THE SUPERIOR COURT