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ROSA NOLASCO MONGE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ORANGE

Coordination Proceeding
Special Title (Rule 3.550)

Case No.: JCCP 5192

*COORDINATION TRIAL JUDGE: HON. RANDALL
J. SHERMAN, DEPT. CX105*

**UNIVERSAL BUILDING WAGE AND
HOUR CASES**

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

This Document Relates to the Following Case:

*Monge v. Universal Building Maintenance,
LLC, et al.*
Orange County Superior Court
Case No. 30-2020-01140656-CU-OE-CXC

Date: March 24, 2023
Time: 10:00 a.m.
Dept: CX-105

Complaint Filed: May 22, 2020
Trial Date: Not set

[PROPOSED] ORDER

The Motion of Plaintiff Rosa Nolasco Monge (“Plaintiff”) for Preliminary Approval of Class Action Settlement (“Motion”) for the Action entitled *Monge v. Universal Building Maintenance, LLC, et al.*, Orange County Superior Court, Case No. 30-2020-01140656-CU-OE-CXC, which is now filed under the coordinated proceeding Case No. JCCP 5192, *Universal Building Wage and Hour Cases*, came regularly for hearing before this Court on March 24, 2023. The Court, having considered the proposed Joint Stipulation of Class Action Settlement and Release attached as Exhibit 3 to the Declaration of Heather Davis in Support of Plaintiff’s Motion for Preliminary Approval, Register of Action (“ROA”) Docket Entry No. 89, and Joint Stipulation to Amend Joint Stipulation of Class Action Settlement and Release attached as Exhibit 5 to the Supplemental Declaration of Heather Davis in Support of Motion for Preliminary Approval (collectively the “Settlement Agreement”); having considered Plaintiff’s Motion for Preliminary Approval of Class Action and PAGA Settlement, memorandum of points and authorities in support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

1. The Court GRANTS preliminary approval of the class action settlement as set forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Approval Hearing. All terms used herein shall have the same meaning as defined in the Settlement Agreement. For purposes of Settlement only, the Court preliminarily finds the proposed Class is ascertainable and there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following settlement Class:

All current and former hourly-paid, non-exempt employees of Universal Building Maintenance, LLC who were employed by Universal Building Maintenance, LLC in the state of California at any time between May 22, 2016, and June 9, 2022.

2. For purposes of the Settlement only, the Court designates Plaintiff Rosa Nolasco Monge as Class Representative, and designates Protection Law Group, LLP as Class Counsel.

1 3. The Court designates Phoenix Settlement Administrators as the third-party
2 Settlement Administrator.

3 4. The Parties are ordered to implement the Settlement according to the terms of the
4 Settlement Agreement.

5 5. The Court approves, as to form and content, the Notice of Proposed Class Action
6 Settlement (“Class Notice”) attached as Exhibit 9 to the Supplemental Declaration of Heather
7 Davis in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement.

8 6. The Court approves, as to form and content, the Workweek Dispute and Contact
9 Information Update Form attached as Exhibit 7 to the Supplemental Declaration of Heather Davis
10 in Support of Motion for Preliminary Approval of Class Action and PAGA Settlement.

11 7. The Court approves, as to form and content, the Request for Exclusion Form
12 attached as Exhibit 11 to the Supplemental Declaration of Heather Davis in Support of Motion
13 for Preliminary Approval of Class Action and PAGA Settlement.

14 8. The Class Notice, the Workweek Dispute and Contact Information Update Form,
15 and the Request for Exclusion Form are collectively referred to as the “Notice Packet”.

16 9. The Court finds that the form of notice to the Class as regarding the pendency of
17 the action and of the Settlement, the dates selected for mailing and distribution, and the methods
18 of giving notice to members of the Class, satisfy the requirements of due process, constitute the
19 best notice practicable under the circumstances, and constitute valid, due, and sufficient notice to
20 all members of the Class. The form and method of giving notice complies fully with the
21 requirements of California Code of Civil Procedure § 382, California Civil Code § 1781,
22 California Rules of Court Rules 3.766 and 3.769, the California and United States Constitutions,
23 and other applicable law.

24 10. The Court further approves the procedures for Class Members to opt-out of or
25 object to the Settlement, as set forth in the Notice Packet and the Settlement Agreement. The
26 procedures and requirements for filing objections for the Final Approval Hearing are
27 intended to ensure the efficient administration of justice and the orderly presentation of any Class
28 Member’s objection to the Settlement, in accordance with the due process rights of all Class

Members.

11. The Court directs the Settlement Administrator to mail the Notice Packet to the members of the Class in accordance with the terms of the Settlement.

12. The Notice Packet shall provide sixty (60) calendar days' notice for Class Members to submit disputes, opt-out of, or object to the Settlement.

13. The hearing on Plaintiff's Motion for Final Approval of Settlement on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in Department CX-105 of this Court, located at 751 West Santa Ana Boulevard, Santa Ana, California 92701, on July 28, 2023 at 10:00 a.m.

14. At the Final Approval Hearing the Court will consider: (a) whether the Settlement should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for an Enhancement Payment to the Class Representative, Settlement Administration Costs, and Class Counsel's attorney's fees and costs should be granted.

15. Counsel for the Parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of Plaintiff's application for Enhancement Payment to the Class Representative, Settlement Administration Costs, and Class Counsel's attorneys' fees and costs, prior to the hearing on Plaintiff's Motion for Final Approval of Settlement according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

16. An implementation schedule is below:

Event	Date
Defendants to provide class contact and tax rate information to the Settlement Administrator no later than:	January 20, 2023 [14 days following preliminary approval]
Settlement Administrator to mail the Notice Packet to the Class no later than:	January 27, 2023 [7 days following provision of contact information]

Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	March 28, 2023 [60 calendar days after mailing of the Notice Packet]
Deadline for Plaintiff to file Motion for Final Approval of Class Action and PAGA Settlement:	[16 court days before the Final Approval Hearing]
Hearing on Motion for Final Approval of Settlement: [<i>proposed date: May 26, 2023</i>]	

17. Pending the Final Approval Hearing, all proceedings in this Action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court hereby enjoins Plaintiff ~~and all members of the Class~~ from filing or prosecuting any claims, or suits regarding claims released by the Settlement, ~~unless and until such Class Members have filed valid Requests for Exclusion with the Settlement Administrator.~~

18. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

DATED: **March 24, 2023**



HON. RANDALL J. SHERMAN
JUDGE OF THE SUPERIOR COURT