

04/12/2023

David W. Slayton, Executive Officer / Clerk of Court

By: A. Rosas Deputy

**LAW OFFICE OF SCOTT ERNEST WHEELER**

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*Attorney for Plaintiff and the Putative Class*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE**

JOSUE AVALOS, individually, and on  
behalf of all others similarly situated,

Plaintiff,

vs.

KENWOOD FLOORS INC, a California  
corporation; and DOES 1 through 50,  
inclusive,

Defendant.

**Case No.: 21STCV29962**

[Assigned for All Purposes to Hon. Stuart M.  
Rice, Dept. SSC-1]

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

Action Filed: August 13, 2021

Trial Date: None Set

1                                   **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL**

2           The Court now has before it Plaintiff's unopposed Motion for Preliminary Approval of Class  
3 Action Settlement ("Motion"). After reviewing the Motion, the Class Action Settlement Agreement,  
4 Amended Class Action Settlement Agreement and Release ("Settlement Agreement") and exhibits  
5 attached thereto, and good cause appearing therefore, the Court hereby finds and orders as follows:

6           1.       The Court finds on a preliminary basis that the settlement memorialized in the  
7 Settlement Agreement appears to be fair and adequate, and falls within the range of reasonableness,  
8 and therefore meets the requirement for preliminary approval.

9           2.       The Court conditionally certifies for settlement purposes the following class (the  
10 "Class" or "Settlement Class"):

11                   All non-exempt employees of Defendant who worked for Defendant in California from  
12 August 13, 2017 until April 10, 2022.

13           3.       The Court finds, for settlement purposes, that the Class meets the requirements for  
14 certification under California Code of Civil Procedure § 382 in that: (1) the Class is so numerous  
15 that joinder is impractical; (2) there are questions of law and fact that are common, or of general  
16 interest, to the Class, which predominate over any individual issues; (3) Plaintiff's claims are typical  
17 of the claims of the Class; (4) Plaintiff and Plaintiff's counsel will fairly and adequately protect the  
18 interests of the Class; and (5) a class action is superior to other available methods for the fair and  
19 efficient adjudication of the controversy.

20           4.       The Court conditionally approves the portion of the settlement pursuant to the Private  
21 Attorneys General Act ("PAGA"). The PAGA period means any time between June 9, 2020,  
22 through April 10, 2022

23           5.       The Court appoints, for settlement purposes, Plaintiff Josue Avalos as Representative  
24 for the Class.

25           6.       The Court appoints, for settlement purposes, the Law Office of Scott Ernest  
26 Wheeler, as counsel for the Class.

27           7.       The Parties are ordered to carry out the Settlement according to the terms of the  
28 Settlement Agreement.

1           8.     The Court appoints Phoenix Settlement Administrator as the Settlement  
2 Administrator and is ordered to carry out the administration of the settlement according to the terms  
3 of the Settlement Agreement.

4           9.     The Parties are ordered to carry out the Settlement according to the following  
5 implementation schedule:

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	
Last day for Settlement Administrator to mail Notice Packet	
Last day for Class Members to submit a Request for Exclusion or Objection	
Last Day to file Motion for Final Approval and Request for Attorneys' Fees and Costs	Per Code.
Final Approval Hearing	U&L à^ Aö ÆöCH

15           10.    The Court approves as to form and content the Class Notice (attached as Exhibit 1 to  
16 the Settlement Agreement).

17           11.    The Court finds that the method of giving notice to the Class constitutes the best  
18 means practicable of providing notice under the circumstances. The Court further finds that the  
19 Notice Packet and the method of giving notice to the Class meet the requirements of California Code  
20 of Civil Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, and due process under  
21 the California and United States Constitutions, and other applicable law.

22           12.    At the Final Approval Hearing, the Court will consider, *inter alia*, whether the  
23 Settlement should be finally approved as fair, reasonable and adequate, whether a final judgment  
24 should be entered, and whether the payments provided for under the Settlement, including attorneys'  
25 fees and costs and class representative service awards, should be finally approved and granted.

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13. Pending the Final Approval Hearing, all proceedings in this Action, other than proceedings necessary to implement the Settlement and this Order, are stayed.

**IT IS SO ORDERED.**



A handwritten signature in black ink, appearing to read "Stuart M. Rice".

DATED: Feb 14, 2018

Stuart M. Rice / Judge  
HONORABLE STUART M. RICE  
JUDGE OF THE SUPERIOR COURT