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13  
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **FOR THE COUNTY OF SAN BERNARDINO**

16 ANGEL MEDINA, as an individual and on  
17 behalf of all others similarly situated,

18 Plaintiff,

19 vs.

20 NATIONAL PAVING COMPANY, INC., a  
California corporation; and DOES 1 through  
100, inclusive,

21 Defendants.

Case No.: CIVSB2108801

[Assigned for All Purposes to the Hon. David S.  
Cohn, Dept. S-26]

~~[PROPOSED]~~ **ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT, CLASS  
REPRESENTATIVE'S SERVICE AWARD,  
AND ATTORNEYS' FEES AND COSTS**

Date: December 8, 2022

Time: ~~10:00~~ a.m. 1:30 PM

Dept.: ~~S26~~ 517

Action Filed: July 23, 2020

Trial Date: None Set

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

DEC - 8 2022

BY Jessica Garcez  
JESSICA GARCEZ, DEPUTY

ORIGINAL

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FAXED

1 The Motion of Plaintiff Angel Medina (“Plaintiff”) for Preliminary Approval of Class  
2 Action Settlement (“Motion”) came on regularly for hearing before this Court on December 8,  
3 2022 at 10:00 a.m. in Department S-26. The Court, having considered the proposed Stipulation  
4 of Settlement (the “Settlement”), attached as **Exhibit 2** to the Declaration of Elizabeth Nguyen  
5 filed concurrently with the Motion; having considered Plaintiff’s Motion, 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 it 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, hourly employees of Defendant  
16 National Paving Company, Inc. who worked in California at any time from  
17 March 19, 2017 through the date of preliminary approval.

18 2. For purposes of the Settlement, the Court designates named Plaintiff Angel  
19 Medina as Class Representative, and Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of  
20 Lidman Law, APC and Paul K. Haines of Haines Law Group, APC as Class Counsel.

21 3. The Court designates Phoenix Settlement Administrators (“Phoenix”) as the third-  
22 party Settlement Administrator for mailing notices.

23 4. The Court approves, as to form and content, the Notice of Pendency of Class  
24 Action and Proposed Settlement and Notice of Individual Settlement Award attached to the  
25 Settlement as **Exhibit A**.

26 5. The Court finds that the form of notice to the Settlement Class regarding the  
27 pendency of the action and of the Settlement, and the methods of giving notice to Settlement Class  
28

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

6 6. The Court further approves the procedures for Settlement Class members to opt  
7 out of or object to the Settlement, as set forth in the Notice of Pendency of Class Action and  
8 Proposed Settlement.

9 7. 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  
12 the due process rights of all Settlement Class members.

13 8. The Court directs the Settlement Administrator to mail the Notice of Pendency of  
14 Class Action and Proposed Settlement and Notice of Individual Settlement Award to all of the  
15 Class members in accordance with the terms of the Settlement.

16 9. The Class Notice shall provide at least 60 calendar days' notice for Settlement  
17 Class members to opt out of, or object to, the Settlement.

18 10. The Final Fairness Hearing on the question of whether the Settlement should be  
19 finally approved as fair, reasonable, and adequate is scheduled in Department S-26 of this Court,  
20 located at 247 West Third Street, San Bernardino, California 92415 on \_\_\_\_\_, 2023  
21 at \_\_\_\_\_ a.m./ p.m.

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

1 12. Counsel for the parties shall file memoranda, declarations, or other statements and  
2 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation  
3 expenses, Plaintiff's service award, settlement administration costs, and payment to the LWDA  
4 for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code  
5 of Civil Procedure and the California Rules of Court.

6 13. An implementation schedule is below:


7 <b>Event</b>	<b>Date</b>
8 Defendant to provide Class Data to Settlement Administrator	20 calendar days after the Court enters an order granting preliminary approval.
9 Settlement Administrator to mail Notice Packets to Class Members	14 calendar days after receiving Class Data from Defendant
10 Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	60 calendar days after mailing of the Notice by the Settlement Administrator
11	
12 Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement (and to respond to any objections):	16 Court days before the Final Fairness Hearing
13	
14 Final Fairness Hearing:	<i>April 17</i> , 2023 <i>e 1:30pm</i>

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

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

21 **IT IS SO ORDERED.**

22  
23 Dated: *Dec. 8*, 2022

  
\_\_\_\_\_  
JOSEPH T. ORTIZ  
Honorable ~~David S. Cohn~~  
Judge of the Superior Court