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

JUL 13 2023

BY 
JESSICA MORALLES, DEPUTY

Attorneys for Plaintiffs

WILLIE MARQUEZ and ANDY MIKHAEL

[Additional counsel listed on following page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

WILLIE MARQUEZ and ANDY MIKHAEL,
on behalf of themselves and on behalf of all
persons similarly situated,

Plaintiffs,

vs.

ACCURATE DELIVERY SYSTEMS, INC.,
a California Corporation; and DOES 1 through
50, inclusive,

Defendants.

Case No. CIVSB2125337

*[Assigned for all purposes to the Hon. David
Cohn, Dept. S-26]*

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

Date: July 13, 2023

Time: 10:00 a.m.

Division: S-26

Complaint Filed: August 31, 2020

FAKED

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1 The Motion of Plaintiffs Willie Marquez, Ahdy Mikhael, and Julio Garcia (“Plaintiffs”) for
2 Preliminary Approval of Class Action Settlement will come on regularly for hearing before this Court
3 on July 13, 2023 at 10:00 a.m. The Court, having considered the proposed Stipulation of Class Action
4 and PAGA Settlement (the “Settlement”), attached as Exhibit 1 to the Declaration of Scott M. Lidman
5 filed concurrently with the Motion; having considered Plaintiff’s Motion for Preliminary Approval of
6 Class Action Settlement, Memorandum of Points and Authorities in support thereof, and supporting
7 declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court GRANTS preliminary approval of the class action settlement as set forth in
9 the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately
10 could be granted approval by the Court at a Final Fairness Hearing. For purposes of the Settlement,
11 the Court finds that the proposed Settlement Class is ascertainable and that there are a sufficiently well-
12 defined community of interest among the members of the Settlement Class in questions of law and fact.

13 Therefore, for settlement purposes only, the Court grants conditional certification of the following
14 Settlement Class:

15 All current and former Delivery Drivers of Defendant Accurate Delivery
16 Systems, Inc. who worked at any time in California during the Class Period.

17 2. For purposes of the Settlement, the “Class Period” shall mean the time period between
18 August 18, 2017 and the earlier of the date of preliminary approval or June 7, 2023.

19 2. For purposes of the Settlement, the Court designates named Plaintiffs Willie Marquez,
20 Ahdy Mikhael, and Julio Garcia as Class Representatives, and Paul K. Haines of Haines Law Group,
21 APC, Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC, and Norman B.
22 Blumenthal, Kyle R. Nordrehaug and Aparajit Bhowmik of Blumenthal Nordrehaug Bhowmik De
23 Blouw LLP as Class Counsel.

24 3. The Court designates Phoenix Settlement Administrators as the third-party Settlement
25 Administrator for mailing notices.

26 4. The Court approves, as to form and content, the Notice Packet (which is comprised of the
27 Notice of Pendency of Class Action and Settlement and Notice of Settlement Award) and is attached to
28 the Settlement as Exhibit C.

1 6. The Court finds that the form of notice to the Settlement Class regarding the pendency of
2 the action and of the Settlement, and the methods of giving notice to members of the Settlement Class,
3 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient
4 notice to all members of the Settlement Class. The form and method of giving notice complies fully
5 with the requirements of California Code of Civil Procedure section 382, California Civil Code section
6 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and
7 other applicable law.

8 7. The Court further approves the procedures for Settlement Class Members to opt out of or
9 object to the Settlement, as set forth in the Notice Packet.

10 8. The procedures and requirements for filing objections in connection with the Final
11 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
12 presentation of any Settlement Class Member's objection to the Settlement, in accordance with the due
13 process rights of all Settlement Class Members.

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

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

18 11. The Final Fairness Hearing on the question of whether the Settlement should be finally
19 approved as fair, reasonable, and adequate is scheduled in Department S-26 of this Court, located at 247
20 West Third Street, San Bernardino, California 92415 on 11/30, 2023 at 9:25 a.m. /
21 p.m.

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

28 13. Counsel for the parties shall file memoranda, declarations, or other statements and

1 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation
2 expenses, Plaintiffs' service awards, settlement administration costs, and payment to the LWDA for
3 PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil
4 Procedure and the California Rules of Court.

5 14. An implementation schedule is below:


6 Event	Date
7 Defendant to provide Class Data to Settlement Administrator	15 calendar days after issuance of the preliminary approval order
8 Settlement Administrator to mail Notice Packets to Class Members	10 business days after receiving Class Information from Defendant
9 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
10 Deadline for Plaintiffs to file Motion for Final Approval of Class Action Settlement:	<i>Per CCP</i>
11 Final Fairness Hearing:	<i>11/30</i> , 2023 at <i>9:00 a.m./p.m.</i>

13
14 15. Pending the Final Fairness Hearing, all proceedings in this action, other than
15 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order,
16 are stayed.

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

20 **IT IS SO ORDERED.**

21
22 Dated: 7/13, 2023

23 
24 _____
25 Honorable David S. Cohn
26 Judge of the Superior Court
27
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