


FILED
ALAMEDA COUNTY

JUL 28 2023

CLERK OF THE SUPERIOR COURT
By 
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ALAMEDA**

10 HUNG PHAM, individually and on behalf
of all others similarly situated,

11 Plaintiff,

12
13 v.

14 WOOD TECH, INC., JUAN D.
15 FIGUEROA, HERBERT G. VEGA, and
DOES 2 through 10, inclusive,

16 Defendants.
17

Case No. 22CV011080

ASSIGNED FOR ALL PURPOSES TO JUDGE
BRAD SELIGMAN

DEPARTMENT 23

~~PROPOSED~~ ORDER GRANTING
UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL

Date: August 1, 2023
Time: 3:00 P.M.

Complaint Filed: May 10, 2022
Trial Date: Not Set

Reservation #: 526692042237

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21 Plaintiff's unopposed motion for preliminary approval came on for hearing on August 1,
22 2023. Having reviewed the papers filed in conjunction with the motion and heard the argument
23 presented at the hearing, the Court hereby FINDS that the proposed settlement is within the range of
24 reasonableness for a class action settlement. The Court FURTHER FINDS that the proposed notice
25 and notice plan are adequate as the short and long form notices each fairly apprise the class members
26 of the terms of the proposed compromise and of the options open to dissenting class members.
27 Accordingly, the Court GRANTS the motion and ORDERS that the parties faithfully execute their
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1 respective duties set forth in the proposed settlement attached as Exhibit A to the Valerian
2 Declaration. To wit:

3 1. Phoenix Settlement Administrators is appointed as Settlement Administrator.

4 2. Defendants shall provide the Settlement Administrator the name, last-known mailing
5 address, social security number, number of workweeks worked, and number of pay periods worked
6 for each Class Member and each Aggrieved Employee within 15 days after entry of this Order.

7 3. The Administrator shall send the Class Members the short form class notice attached
8 hereto as Exhibit A with Spanish translation via first-class mail within 14 days after updating the
9 employee addresses using the National Change of Address database. The Administrator shall also
10 post the long form notice attached hereto as Exhibit B with Spanish translation on a website created
11 for this administering this settlement. In addition to the long form notice, the Settlement
12 Administrator shall also post a copy of this Order, the operative complaint in this case, the proposed
13 settlement agreement, and Plaintiff's unopposed motion for preliminary approval.

14 4. Notices that are returned as undeliverable with a forwarding address will be re-mailed
15 within three business days. The Administrator will skip-trace notices returned without a forwarding
16 address. Class Members receiving a re-mailed notice will have an additional 14 days to object.

17 5. Class Members will have 45 days to submit their objection to the Settlement
18 Administrator or to challenge their workweek allocation. The Settlement Administrator shall provide
19 Plaintiff with the submitted objections within five (5) days after the expiration of the time to object.
20 Plaintiff shall submit the objection to the Court along with its motion for final approval.

21 6. Challenges by Class Members to the proposed allocation shall be communicated to
22 the Administrator via fax, email or mail. The Administrator shall encourage the challenging Class
23 Member to submit supporting documentation. In the absence of any contrary documentation, the
24 Administrator is entitled to presume that the Workweeks contained in the Class Notice are correct so
25 long as they are consistent with the Class Data. The Administrator's determination of each Class
26 Member's allocation of Workweeks shall be final and not appealable or otherwise susceptible to
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1 challenge. The Administrator shall promptly provide copies of all challenges to calculation of
2 Workweeks to Defense Counsel and Class Counsel and the Administrator's determination.

3 7. A hearing on a motion for final approval of this class action settlement is set for
4 December 19, 2023, at 3:00 pm. Plaintiff shall file his motion for the award of attorneys' fees and
5 costs no later than 16 court days prior to the hearing. Plaintiff shall file his motion for final approval
6 no later than five court days prior to the hearing. Any Class Member who objects to the approval of
7 the proposed settlement may appear at the final approval hearing, in person or through counsel, to
8 show cause why the proposed settlement should not be approved as fair, reasonable, and adequate,
9 after following the procedures set forth in the Notice.

10 8. The Settlement Administrator shall provide to Plaintiff a signed declaration attesting
11 to its due diligence and compliance with all of its obligations under the Settlement Agreement,
12 including, but not limited to, its mailing of Class Notice, the Class Notices returned as undelivered,
13 the re-mailing of Class Notices, attempts to locate Class Members, and the number of written
14 objections, no later than 14 days prior to the date Plaintiff's motion for final approval is due.

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16 IT IS SO ORDERED

17 Dated: 7/28, 2023



Hon. Brad Seligman
Judge of the Superior Court

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Exhibit A



Superior Court of California in and for Alameda County
Hung Pham v. Wood Tech, et al.
Case No. 22CV011080

Class Action Notice

Authorized by the Superior Court of California in and for Alameda County

Why did I get this notice?

This notice is to tell you about the settlement of a class action lawsuit, *Hung Pham v. Wood Tech, et al.*, brought on behalf of all persons who are employed or have been employed as an hourly employee by Wood Tech, Inc. in the State of California from May 10, 2018, through April 4, 2023. You received this notice because you are a member of the group of people affected, called the "class," and are entitled to a share of the settlement. This notice tells you how to get more information and what your choices are.

What are my choices?

Do Nothing	Get a share of the settlement based on the number of work weeks you worked set forth below
Object	Tell the Court why you don't like the settlement.
Correct Information	Submit evidence that the number of work weeks you worked set forth below is wrong and should be corrected.

The number of workweeks you worked:

Wood Tech's records show that you worked [workweeks] work weeks from May 10, 2018, through April 4, 2023.

If you want to object or correct the workweek information, you must do so by:

MM/DD/YYYY

You can learn more at:

[settlement website].com
(You can also scan QR code below)

Key things to know:

- This is an important legal document.
- If you take no action, you will be bound by the settlement, and your rights will be affected.
- If you have questions or need assistance, please call 1-800-222-3333.



Exhibit B



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About This Notice

1. Why did I get this notice?

This notice is to tell you about the settlement of a class action lawsuit, *Hung Pham v. Wood Tech, Inc., et al.*, that was brought on behalf of all persons who are employed or have been employed as an hourly employee by Wood Tech, Inc., in the State of California from May 10, 2018, through April 4, 2023. **You received this notice because you are a member of the group of people affected, called the “class.”**

This notice gives you a summary of the terms of the proposed settlement, explains the rights you have as a class member, and helps you make an informed choice about what to do.

This notice is an important legal document that you should read in its entirety. If you have questions or need assistance, please go to [settlement website] or call 1-800-000-0000.

2. What do I do next?

Read this notice to understand the settlement and decide if you want to:

CONTEST THE NUMBER OF WORKWEEKS WORKED	Provide evidence that you worked more weeks than reflected in the notice that was mailed to you.
OBJECT	Tell the Court why you don't like the settlement
DO NOTHING	Get your share of the settlement determined by the number of weeks you worked at Wood Tech.

Read on to understand the specifics of the settlement and what each choice would mean for you.

3. What are the most important dates?

Your deadline to contest the number of weeks worked	October 14, 2023
Your deadline to object to the settlement:	October 14, 2023
Settlement approval hearing	December 12, 2023

Learning About the Lawsuit

4. What is this lawsuit about?

Hung Pham filed a class action lawsuit in 2022 alleging that Wood Tech, Inc. and its owner, Juan D. Figueroa (“Defendants”), failed to provide him and other hourly employees like him proper meal and rest periods. The lawsuit also alleges that Defendants failed to pay employees for all hours worked, including overtime, failed to provide employees accurate wage statements, and failed to pay employees all their wages due when they quit or were terminated. Defendants deny that they did anything wrong.

Where can I learn more?

You can get a complete copy of the proposed settlement and other key documents in this lawsuit by visiting: [settlement website]

5. Why is there a settlement in this lawsuit?

A class action settlement is the resolution of a case for all the affected persons in the class. It can provide money and sometimes changes to the practices that caused harm in the first place.

The Court has not decided this case in favor of either side. The parties have agreed to settle the case, which means they have reached an agreement to resolve the lawsuit. Both sides want to avoid the risk and expense of further litigation.

6. What happens next in this lawsuit?

The Court will hold a hearing to decide whether to approve the settlement. The hearing will be held at:

Where: Dept. 23, Oakland - Administration Building, 1221 Oak Street, Oakland, CA 94612

When: 3:00 p.m. on December 12, 2023

The Court has approved this notice of settlement. Because the settlement of a class action decides the rights of all members of the proposed class, the Court must give final approval to the settlement before it can take effect. Payments will only be made if the Court approves the settlement. Please be patient.

You don't have to attend the hearing, but you may attend at your own expense. You may also ask the Court for permission to speak and express your opinion about the settlement. If the Court does not approve the settlement or the parties decide to end it, it will be void and the lawsuit will continue. The date of the hearing may change without further notice to members of the class. To learn more and confirm the hearing date, go to settlement.website.com.

Learning About the Settlement

7. What does the settlement provide?

Defendants have agreed to pay \$2,000,000 as full and final settlement of the claims in this case. This money will be used to pay for costs and fees approved by the Court, including the Class Counsel's fees and expenses, the cost of administering this settlement (expected to be approximately \$10,500), civil penalties paid to the State of California in the amount of \$75,000, and \$10,000 to Hung Pham to compensate him for his time and effort in bringing this action and serving as a class representative. The remainder will be distributed to the 155 class members. The individual shares will be proportionately determined by the number of weeks they worked for Defendants.

You will have 180 days in which to cash your check. If you do not, the check will be void and the money redistributed to those class members and aggrieved employees who cashed their check provided that the total amount available for such a redistribution is greater than \$3,300. The uncashed funds will be distributed in equal shares. The redistribution checks will be valid for 45 days. If the amount available for redistribution is less than \$3,300, the uncashed balance—as well as any uncashed balance after redistribution—will be donated to Centro Legal de la Raza. You will still be bound by the terms of the settlement.

As part of the settlement, you will release Wood Tech, and its shareholders, directors, officers, employees, supervisors, managers, agents and attorneys, and Juan D. Figueroa and Herbert G. Vega and their respective spouses, from any and all claims, whether known or unknown, suspected or not suspected to exist, arising out of the allegations of the First Amended Complaint on file in this Action between May 10, 2018, and April 4, 2023, including but not limited to claims for straight time and overtime wages, meal and rest period violations, meal period premiums, rest period premiums, waiting time penalties, and accurate and complete wage statements, or arising

under Labor Code §§ 201, 202, 203, 226, 226.7, 510, 512, 516, 558.1, 1194, 1194.2, 1198, 1199 or Sections 11 and 12 of Wage Order 1-2001, or under California Business and Professions Code § 17200, et seq. for violations of the above-cited Labor Code sections as well as Section 1174, or under the Private Attorneys General Act, Labor Code Section 2698, et seq., and claims for attorney's fees and costs associated with any of the above claims.

8. How much will my payment be?

Your payment amount will depend on the amount fees, costs, and class representative payments that the Court approves.

Your share will also depend on the total number of weeks you worked for Defendants. Please refer to the notice you received in the mail to verify the number of weeks you worked between May 10, 2018, and April 4, 2023, according to Defendants' records.

If you want, you can contest the number reported above by mailing evidence to support your contention to the settlement administrator at the address to the right. Your contest must be postmarked by [objection postmark] and must include the case name and number (*Hung Pham v. Wood Tech, Inc., et al.*, Case No. 22CV011080; your full name, address and telephone number, and email address (if you have one); and an explanation setting forth the reason why you believe the number based on Defendants' records is incorrect.

Deciding What You Want to Do

9. How do I weigh my options?

You have three options. You can do nothing and get your share of the settlement automatically, you can object to the settlement, or you can contest the number of workweeks you worked for Defendants.

10. What are the consequences of doing nothing?

If you do nothing, you will automatically get your share of the settlement based on the number of workweeks that you worked for Defendants between May 10, 2018, and April 4, 2023.

Please see the settlement agreement, which can be found at [\[settlement website\]](#), for a full description of the claims and persons who will be released if this settlement is approved.

11. Do I have a lawyer in this lawsuit?

In a class action, the court appoints class representatives and lawyers—called Class Counsel—to work on the case and defend the interests of all the class members. If you want to be represented by your own attorney, you may hire one at your own expense. For this settlement, the Court has appointed the following individuals and lawyers.

Class Representatives: Hung Pham

Class Counsel: Valerian Law, P.C. This is the law firm that negotiated this settlement on your behalf. **You will not be charged for its services.**

Settlement Administrator
Main Avenue
Suite 1
City, ST 00000-0000
1-800-000-00000
Cleveland, OH 44113

12. Do I have to pay the lawyers in this lawsuit?

Attorneys' fees and costs will be paid from the Settlement Fund used to pay out class members' claims. You will not have to pay the lawyers directly.

To date, Class Counsel have not been paid any money for their work or out-of-pocket expenses in this case. To pay for some of their time and risk in bringing this case without any guarantee of payment unless they were successful, Class Counsel will request, as part of the final approval of this Settlement, that the Court approve a payment of up to 33 percent of the Settlement Fund in attorneys' fees plus the reimbursement of out-of-pocket expenses estimated to be about \$18,000. Attorneys' fees and expenses will only be awarded if approved by the Court as a fair and reasonable amount. You have the right to object to the attorneys' fees even if you think the settlement terms are fair.

Opting Out

13. What if I don't want to be part of this settlement?

The time to opt out of the class has passed.

Objecting

14. What if I disagree with the settlement?

If you disagree with any part of the settlement (including the attorneys' fees), you may object. You must give reasons why you think the Court should not approve the settlement and say whether your objection applies to just you, a part of the class, or the entire class. The Court will consider your views. The Court can only approve or deny the settlement as is—it cannot change the terms of the settlement. You may, but don't need to, hire your own lawyer to help you.

To object, you can send a letter to the Settlement Administrator that:

- (1) is postmarked by [objection postmark];
- (2) includes the case name and number (*Hung Pham v. Wood Tech, Inc., et al.*, Case No. 22CV011080);
- (3) includes your full name, address and telephone number, and email address (if you have one);
- (4) states the reasons for your objection;
- (5) says whether either you or your counsel intend to appear at the final approval hearing and your counsel's name; and
- (6) your signature.

Mail the letter to the following address:

Settlement Administrator
Main Avenue
Suite 1
City, ST 00000-0000
1-800-000-00000
Cleveland, OH 44113

You can also attend the final approval hearing at your own expense and ask the Court for permission to speak and express your opinion about the settlement.

Key Resources


15. How I get more information?

This notice is a summary of the proposed settlement. The complete settlement with all its terms can be found [here](#). To get a hard copy of the settlement agreement or get answers to your questions:

- contact Class Counsel (information below)
- visit the case website at [\[settlement website\]](#)
- access the Court's [eCourt Public Portal online](#) or by visiting the Clerk's office of the Court (address below).

Case website	[settlement website]
Settlement Administrator	Settlement Administrator Main Avenue Suite 1 City, ST 00000-0000 1-800-000-00000
Class Counsel	Valerian Law, P.C. xinying@valerian.law 1530 Solano Ave Albanv. CA 94707
Clerk's Office	Rene C. Davidson Courthouse 1225 Fallon Street Oakland, CA 94612

To access the Court's [eCourt Public Portal online](#), you will need to create an account. You can then access documents by clicking on "Searches," on the next page clicking on "Case Number Search," then entering the case number 22CV011080 and clicking "Search." On the following page, click the link "[PHAM vs WOOD TECH, INC., et al.](#)" You may then download images of every document filed in the case for a fee. You may also view images of every document filed in the case free of charge by using one of the computer terminal kiosks available at each court location that has a facility for civil filings.

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 07/31/2023
PLAINTIFF/PETITIONER: Hung Pham	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: Wood Tech, Inc. et al	A. Hewitt
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 22CV011080

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order Granting Unopposed Motion for Preliminary Approval entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

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Xinying Valerian
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Dated: 07/31/2023

Chad Finke, Executive Officer / Clerk of the Court

By:



A. Hewitt, Deputy Clerk