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**FILED**  
Superior Court of California  
County of Los Angeles  
10/05/2022  
Sherri R. Carter, Executive Officer / Clerk of Court  
By:                     T. Lewis                     Deputy

6 Attorneys for Plaintiff Raymond L. Smith, on behalf  
of himself and others similarly situated  
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**

12 RAYMOND L. SMITH, on behalf of himself  
and others similarly situated,

13  
14 Plaintiff,

15 v.

16 CAMILO LOPEZ, INC. dba C.L. CONCRETE, a  
California corporation; and DOES 1 through 100,  
17 inclusive,

18 Defendants.  
19

Case No.: 20STCV47555

Assigned for all purposes to:  
Hon. David S. Cunningham, Dept. 11

**CLASS ACTION**

**FURTHER AMENDED [~~PROPOSED~~]  
ORDER GRANTING PLAINTIFF'S  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS AND  
REPRESENTATIVE ACTION  
SETTLEMENT**

Further Preliminary Approval Hearing  
Date: October 5, 2022  
Time: 9:00 a.m.  
Dept. 11

1           **WHEREAS**, this matter came on for hearing on October 5, 2022, at 9:00 a.m., before the  
2 Honorable David S. Cunningham, in Department 11 of the above-entitled Superior Court of  
3 California, County of Los Angeles, located at 312 North Spring Street, Los Angeles, California  
4 90012, upon application of Plaintiff Raymond L. Smith (“Plaintiff”) for preliminary approval of the  
5 proposed Further Amended Stipulation of Class Action and PAGA Settlement (“Settlement” or  
6 “Settlement Agreement”) dated September 27, 2022, attached as **Exhibit “1”** to the Further  
7 Supplemental Declaration of Jennifer L. Connor, along with previously submitted Plaintiff’s Motion  
8 for Preliminary Approval of Class Action Settlement filed on April 4, 2022 and originally heard on  
9 June 1, 2022, and the Supplemental Declaration of Jennifer L. Connor filed on June 30, 2022 and  
10 further hearing on September 26, 2022, and having considered Plaintiff’s Motion for Preliminary  
11 Approval of Class and Representative Action Settlement, the memorandum of points and authorities  
12 in support thereof, and supporting declarations and exhibits filed therewith; and good cause  
13 appearing; and

14           **WHEREAS**, defined terms contained herein have the same meanings as set forth in the  
15 Settlement,

16           **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that:

17           1.       The Court preliminarily and conditionally certifies the following Class for purposes  
18 of settlement which is comprised of: “All current and former non-exempt employees who worked  
19 for Defendant Camilo Lopez, Inc. dba C.L. Concrete within the State of California during the Class  
20 Period.” (*See* Settlement Agreement ¶ 5.) Further, the “Class Period” is defined as the time period  
21 beginning on December 14, 2016 and ending on January 3, 2022. (Settlement Agreement ¶ 7.)  
22 Participating Class Members include all those who do not properly and timely request exclusion  
23 from/opt-out of the Settlement;

24           2.       The Court preliminarily approves the Gross Settlement Amount of \$325,000;

25           3.       The Court preliminarily approves named Plaintiff, Raymond L. Smith, as Class  
26 Representative for the purpose of settlement;

27           4.       The Court preliminarily appoints CounselOne, P.C. as Class Counsel for purposes of  
28 settlement;

1           5.       The Court preliminarily approves the application for payment to Class Counsel of  
2 reasonable attorneys' fees of up to 35% of the Gross Settlement Amount (*i.e.*, 113,750) and  
3 reasonable costs in an amount not to exceed \$15,000 ("Class Counsel Award");

4           6.       The Court preliminarily approves the service award payment in the amount of \$7,500  
5 to named Plaintiff/Class Representative ("Class Representative Service Award");

6           7.       The Court preliminarily approves the settlement administration services to be  
7 provided by CPT Group, Inc., and the costs of distribution of notice and settlement administration  
8 estimated at \$15,000 ("Settlement Administration Costs");

9           8.       The Court preliminarily approves a PAGA Payment of \$20,000—of which 75% (or,  
10 \$15,000)—will be allocated to the LWDA for civil penalties pursuant to statute ("LWDA  
11 Payment"). The remaining 25% (or, \$5,000) will be allocated and paid to PAGA Group Members,  
12 who are Class Members employed during the PAGA Period, which is December 14, 2019 through  
13 January 3, 2022, and irrespective of whether or not they opt-out;

14           9.       The Court preliminarily approves as to form and content the Notice of Pendency of  
15 Class Action and Representative Action Settlement ("Class Notice"), which is attached as internal  
16 Exhibit 1 to the Settlement Agreement, along with an individualized Information Sheet and  
17 Exclusion Form (internal Exhibits 2 and 3, respectively) (collectively, "Notice Packet") to be sent  
18 in English and Spanish translations to Class Members;

19           10.      The Court directs Defendant to provide, not later than fourteen (14) calendar days  
20 after entry of the Order granting preliminary approval, to the Settlement Administrator the following  
21 information about each Class Member ("Class Information"): (1) Class Member's full name; (2)  
22 last known mailing address; (3) last known telephone number; (4) Social Security number; (5) start  
23 and end dates of active employment as a non-exempt employee; (6) Qualified Pay Periods during  
24 the Class Period; and (7) Qualified PAGA Pay Period during the PAGA Period;

25           11.      The Court further directs that within ten (10) calendar day after receipt of the Class  
26 List, the Settlement Administrator will mail via regular First-Class U.S. Mail the Notice Packets to  
27 all Class Members;


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1           12. The Court orders that any and all submissions of Exclusion Forms, objections,  
2 dispute to Qualified Pay Periods/Qualified PAGA Pay Periods or estimated payments, and/or  
3 notices of intent to appear at the Final Approval Hearing be postmarked, and where applicable,  
4 served on counsel for the Parties no later than forty-five (45) calendar days after the mailing  
5 of the Notice Packets; and

6           13. A Final Approval Hearing on the question of whether the proposed class action  
7 Settlement should be finally approved a fair, reasonable and adequate as to the members of the  
8 proposed class is hereby scheduled in this Courtroom 11 for 09:00 a.m. / 10:00 a.m. at  
9 JKEE a.m./p.m.

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11 **IT IS SO ORDERED.**

12  
13 Dated: 10/05/2022

  
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Hon. David S. Cunningham  
Judge of the Superior Court

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