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Attorneys for Plaintiff Alberto Viramontes

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO

ALBERTO VIRAMONTES, individually, and  
on behalf of other members of the general public  
similarly situated, and as an aggrieved employee  
pursuant to the Private Attorneys General Act  
("PAGA"),  
  
Plaintiff,  
  
vs.  
  
CLS LANDSCAPE MANAGEMENT, INC., a  
California corporation; and DOES 1 through 10,  
inclusive,  
  
Defendant.

Case No.: CIVSB2134798

Assigned to the Hon. David Cohn

**~~PROPOSED~~ ORDER GRANTING MOTION  
FOR PRELIMINARY APPROVAL OF CLASS  
ACTION AND PAGA SETTLEMENT**

Date: August 14, 2023  
Time: 9:00 a.m.  
Place: Department S26

Complaint Filed: December 21, 2021

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

AUG 15 2023

BY   
JESSICA MORALES, DEPUTY

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**ORDER**

On August 14, 2023, this Court conducted a hearing on Plaintiff's Motion for Preliminary Approval of the Class Action and PAGA Settlement (the "Motion"). Having considered the Motion and the points and authorities submitted in support of the Motion, including the Joint Stipulation of Class Action and PAGA Settlement and Release ("Settlement Agreement" or "Settlement"), and **GOOD CAUSE** appearing, **IT IS HEREBY ORDERED** that the Motion is **GRANTED**, subject to the following findings and orders:

1. This Order incorporates by reference the Settlement Agreement, and unless indicated otherwise, all capitalized terms used herein will have the same meaning as set forth in the Settlement Agreement.

2. The Settlement Class shall be conditionally certified for settlement purposes only and shall consist of all persons who were employed by Defendant as non-exempt, hourly paid employees in the State of California at any time during the period from December 21, 2017 through August 10, 2023.

3. The class action settlement set forth in the Settlement Agreement, entered into among the Parties and their counsel, is preliminarily approved as it appears to be proper, to fall within the range of reasonableness, to be the product of arm's-length and informed negotiations, to treat all Class Members fairly, and to be presumptively valid, subject only to any objections that may be raised at or before the final approval hearing.

4. The Court further finds that Plaintiff conducted extensive investigation and research, and that he was able to reasonably evaluate his position and the strengths and weaknesses of his claims and his ability to certify them. Plaintiff has provided the Court with enough information about the nature and magnitude of the claims being settled, as well as the impediments to recovery, to make an independent assessment of the reasonableness of the terms to which the Parties have agreed.

5. The Court also finds that settlement now will avoid additional and potentially substantial litigation costs, as well as delay and risks if the Parties were to continue to litigate the Action.

6. The Court preliminarily approves the Settlement Agreement, including all the terms and conditions set forth therein and the Gross Settlement Amount and allocation of payments.

7. The rights of any potential dissenters to the proposed Settlement are adequately

1 protected in that they may exclude themselves from the Settlement and proceed with any alleged claims  
2 they may have against Defendant, or they may object to the Settlement and appear before this Court.  
3 However, to do so they must follow the procedures outlined in the Settlement Agreement and Notice of  
4 Class Action Settlement.

5 8. The Court approves, as to form and content, the proposed Notice of Class Action  
6 Settlement (“Class Notice”).

7 9. The Court directs the mailing, by First-Class U.S. mail, of the Class Notices to Class  
8 Members in accordance with the schedule set forth below and the other procedures described in the  
9 Settlement Agreement. The Court finds that the method selected for communicating the preliminary  
10 approval of the Settlement Agreement to Class Members is the best notice practicable under the  
11 circumstances, constitutes due and sufficient notice to all persons entitled to notice, and thereby satisfies  
12 due process.

13 10. The Court appoints Plaintiff Alberto Viramontes as the representative for the Settlement  
14 Class conditionally certified by this Order.

15 11. The Court appoints Capstone Law APC as Class Counsel. The Court finds that counsel  
16 have demonstrable experience litigating, certifying, and settling class actions, and will serve as adequate  
17 counsel for the Class conditionally certified by this Order.

18 12. The Court approves and appoints CPT Group, Inc. as the Settlement Administrator.

19 13. The following dates shall govern for purposes of this Settlement:

<b>Date</b>	<b>Event</b>
September 4, 2023 (or not later than 20 calendar days after the Court grants preliminary approval of the Settlement Agreement, if later)	Last day for Defendant to produce the Class List to the Settlement Administrator.
September 14, 2023 (or not later than 10 calendar days after Defendant produces the Class List, if later)	Last day for the Settlement Administrator to mail Class Notices to all Class Members.
October 30, 2023 (or not later than 45 calendar days after the Settlement Administrator mails the Class Notices, if later)	Last day for Class Members to submit Requests for Exclusion or Objections to the Settlement.
November 17, 2023	Last day for Plaintiff to file and serve the Motion for Final Approval of Class Action Settlement and Motion for Attorneys’ Fees, Costs, and a Class Representative Enhancement Payment.

Date	Event
<del>December 13, 2023 at 9:00 a.m.</del> 1-8-24 8:00am	Hearing on Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees, Costs, and a Class Representative Enhancement Payment.

14. The Court expressly reserves the right to continue or adjourn the final approval hearing without further notice to the Class Members.

**IT IS SO ORDERED.**

Dated: 8/15/24

  
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Hon. David Cohn  
San Bernardino County Superior Court Judge

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