

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

DEC 20 2022

BY 
JESSICA MORALES, DEPUTY

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

STEVEN DELCORSO, individually, and on
behalf aggrieved employees pursuant to the Private
Attorneys General Act (“PAGA”);

Plaintiff,

v.

ITS TECHNOLOGIES & LOGISTICS, LLC, an
Illinois limited liability company; CONGLOBAL
INDUSTRIES, LLC, a Delaware limited liability
company; CONGLOBAL TRANSPORT, LLC, a
Delaware limited liability company; and DOES 1
through 100, inclusive;

Defendants.

Case No.: CIVSB2128129

Assigned for All Purposes to:
Honorable David Cohn
Department S-26

CLASS ACTION

**[PROPOSED] ORDER GRANTING
PLAINTIFFS’ MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT,
CONDITIONAL CERTIFICATION,
APPROVAL OF CLASS NOTICE
PACKET, SETTING OF FINAL
APPROVAL HEARING DATE**

Hearing Date: December 20, 2022
Hearing Time: 9:00 a.m.
Hearing Place: Department S-26

Complaint Filed: September 30, 2021
Trial Date: None Set

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 The Motion for Preliminary Approval of Class Action Settlement came before this Court,
3 the Honorable David Cohn presiding, on December 20, 2022 at 9:00 a.m. The Court having
4 considered the papers submitted in support of the Motion, HEREBY ORDERS THE FOLLOWING:

5 1. The following Class is conditionally certified for purposes of settlement only: all
6 current and former California-based hourly-paid or non-exempt employees of Defendants ITS
7 Technologies & Logistics, LLC, Conglobal Industries, LLC, and Conglobal Transport, LLC
8 (“Defendants”) within the State of California at any time during the period from August 16, 2016 to
9 July 29, 2022 (“Class” and Class Period”).

10 2. The Court grants preliminary approval of the settlement based upon the terms set
11 forth in the Joint Stipulation of Class Action and PAGA Settlement (“Agreement,” “Settlement
12 Agreement,” or “Settlement”). Capitalized terms shall have the definitions set forth in the Settlement
13 Agreement.

14 3. The settlement embodied in the Settlement Agreement appears to be fair, adequate,
15 and reasonable to the Class. The Settlement falls within the range of reasonableness and appears to
16 be presumptively valid, subject only to any objections that may be raised at the Final Approval
17 Hearing and final approval by this Court.

18 4. Plaintiffs Steven Delcorso, Raul “Rudy” Ortega, and Clemente Sandoval
19 (“Plaintiffs”) are conditionally approved to serve as the Class Representative.

20 5. Douglas Han, Shunt Tatavos-Gharajeh, and Chancellor Nobles of Justice Law
21 Corporation are conditionally approved as Class Counsel for the Class.

22 6. The proposed Class Representative Enhancement Payments of \$10,000 to each of the
23 Plaintiffs Steven DelCorso, Raul “Rudy” Ortega, and Clemente Sandoval for their services as the
24 Class Representatives are conditionally approved.

25 7. The proposed payment of an Attorney Fee Award to Class Counsel not to exceed
26 one-third (1/3) of the Gross Settlement Amount or \$500,000 and a Cost Award for actual litigation
27 costs to Class Counsel not to exceed \$25,000 are conditionally approved.

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1 8. The Court confirms CPT Group, Inc. (“CPT Group”) as the Settlement
2 Administrator.

3 9. The proposed payment of Administration Costs not to exceed \$20,000, to CPT Group
4 for its services is conditionally approved.

5 10. The Court also hereby conditionally approves the Private Attorneys General Act of
6 2004 (“PAGA”) Payment from the Gross Settlement Amount of \$75,000 that the Parties have
7 allocated for the settlement of the claims for PAGA penalties stemming from the alleged Labor Code
8 violations. Seventy-five percent (75%) of the PAGA Payment (\$56,250) will be paid to the
9 California Labor and Workforce Development Agency (“LWDA”), and the remaining twenty-five
10 percent (25%) of the PAGA Payment (\$18,750) shall be distributed to the aggrieved employees
11 eligible to recover the PAGA Payment that consist of all current and former California-based hourly-
12 paid or non-exempt employees of Defendants within the State of California at any time during the
13 period from July 6, 2020, to July 29, 2022 (“Eligible Aggrieved Employees,” “PAGA Period,” and
14 “PAGA Payment”), on a pro rata basis.

15 11. A Final Approval Hearing on the question of whether the Settlement, the Attorney
16 Fee Award, the Cost Award, and the Class Representative Enhancement Payments should be finally
17 approved as fair, reasonable, and adequate as to all Class Members who do not submit a valid and
18 timely request to exclude themselves from the Settlement (“Participating Class Members”) is
19 scheduled on the date and time set forth in paragraph 15 below.

20 12. The Court approves, as to form and content, the Notice of Class Action Settlement
21 (“Class Notice”), as attached as **Exhibit A** to the Agreement. The Court also approves the procedure
22 for Class Members to participate in, to opt out of, and to object to the Settlement as set forth in the
23 Class Notice. The Court approves, as to form and content, the Opt Out Form that the Class Members
24 must use to exclude themselves from the Settlement, other than the release of claims under PAGA,
25 as attached as **Exhibit B** to the Agreement.

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1 13. The Court directs the mailing of the Class Notice and Opt-Out Form (collectively,
 2 known as the “Notice Packet”) to all identified Class Members via first-class regular U.S. Mail in
 3 accordance with the implementation schedule set forth in paragraph 15 below. The Court finds that
 4 the dates selected for the mailing and distribution of the Notice Packet, as set forth in the
 5 Implementation Schedule, below, meet the requirements of due process, provide the best notice
 6 practicable under the circumstances, and shall constitute due and sufficient notice to all persons
 7 entitled.

8 14. To facilitate administration of the Settlement pending final approval, the Court
 9 hereby enjoins Plaintiffs and all Class Members from filing or prosecuting any claims, suits, or
 10 administrative proceedings (including, but not limited to, filing claims with the Division of Labor
 11 Standards Enforcement of the California Department of Industrial Relations) based on claims
 12 released by the Settlement (“Released Claims”) unless and until such Class Members have timely
 13 opted-out of the Settlement and the time for opting-out has elapsed.

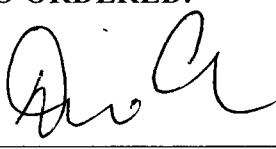
14 15. The Court orders the following **Implementation Schedule** for further proceedings:

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| 15 | a. | Deadline for Defendants to submit Class Data to Settlement Administrator | Within ten (10) business days after entry of the Preliminary Approval Order | SAR III.H.2.a |
| 16 | b. | Deadline for Settlement Administrator to mail the Notice Packet to Class Members | Within ten (10) business days after Defendants’ deadline to provide the Class Data to the Settlement Administrator | SAR III.H.2.c |
| 17 | c. | Deadline for Class Members to postmark opt-out(s) to the Settlement Administrator or submit written objections/Response Deadline | Within sixty (60) calendar days from initial mailing of the Notice Packet | I.MM |
| 18 | e. | Deadline for Class Counsel to file Motion for Final Approval of Settlement | Sixteen (16) Court days before Final Approval Hearing | Code of Civil Procedure § 1005 |
| 19 | f. | Deadline for Class Counsel to file Motion for Attorney Fee Award, Cost Award, and Class Representative Enhancement Payment | Sixteen (16) Court days before Final Approval Hearing | Code of Civil Procedure § 1005 |
| 20 | g. | Deadline for Class Counsel to file declaration of due diligence by Class Administrator | Ten (10) calendar days before Final Approval Hearing | III.H.2.h |
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| 1 | h. | Final Approval Hearing and Final Approval | _____ at _____ a.m./p.m. in Department S-26 | |
| 2 | i. | Effective Date | Date Final Approval is no longer appealable | I.Q |
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| 4 | j. | Deadline for Defendants to Submit GSA to Class Administrator | No later than fourteen (14) calendar days after Effective Date | III.H.8.a |
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| 6 | k. | Deadline for Settlement Administrator to issue payments to Class Members, the LWDA and then after to Class Counsel and Class Representatives | Within ten (10) business days after receipt of GSA from Defendants | III.H.8.b |
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| 9 | l. | Deadline for Class Administrator to send Reminder Notices to Class Members | Ninety (90) days after payment are mailed to Class Members | III.H.9 |
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| 11 | m | Uncashed checks will be paid to the California State Controller's Office Unclaimed Property Fund | Within two hundred (200) days after payments are mailed to Class Members | III.H.9 |
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| 13 | n. | Settlement Administrator will serve parties with a declaration providing final report of disbursements | Within three hundred and sixty- five (365) days after disbursement | III.H.10 |
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| 15 | o. | Class Counsel to file the declaration re disbursements | Within 10 calendar days of receipt of the Declaration from the Settlement Administrator relating to disbursements | III.H.10 |
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IT IS SO ORDERED.

Dated: *12/20/20*

By 

 Honorable David Cohn
 Judge of the Superior Court