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FILED
KERN COUNTY SUPERIOR COURT
5/26/2023
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DEPUTY

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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF KERN**

16 FRANCISCO HERRERA, an individual, on
17 behalf of himself and all others similarly situated,

18 Plaintiff,

19 vs.

20 KERN PACIFIC CONSTRUCTION
21 COMPANY, a California Corporation, and
22 DOES 1 through 100,

24 Defendants.

CASE NO.: BCV-19-101846-DRZ
[Assigned for all purposes to Hon. David R.
Zulfa – Dept. J]

~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT

1 **~~PROPOSED~~ ORDER**

2 Plaintiffs Manuel Marroquin and Hector Sanchez (hereinafter collectively, “Plaintiffs”)
3 Motion for Preliminary Approval of Class Action Settlement (“Motion”) came regularly for
4 hearing before this Court on May 22, 2023 at 8:30 a.m. The Court, having considered Plaintiffs’
5 Motion, memorandum of points and authorities in support thereof, the supporting declarations
6 filed therewith, including the Stipulation of Settlement (“Settlement Agreement” or “Settlement”)
7 and Class Notice attached thereto; and good cause appearing, **HEREBY ORDERS THE**
8 **FOLLOWING:**

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

16 All persons employed in California by Defendant Kern Pacific
17 Construction Company as hourly-paid (non-exempt) employees at any
18 time during the period from June 26, 2015 through July 29, 2022.

19 2. For purposes of the Settlement, the Court designates named Plaintiff Manuel
20 Marroquin and Hector Sanchez as Class Representatives, and designates Paul K. Haines of Haines
21 Law Group, APC, and Sam Sani of Sani Law, APC as Class Counsel.

22 3. The Court designates CPT Group, Inc. as the third-party Claims Administrator for
23 mailing notices.

24 4. The Court approves, as to form and content, the Notice Packet (comprised of the
25 Class Notice and Notice of Settlement Award) filed by Plaintiffs.

26 5. The Court finds that the form of notice to the Settlement Class regarding the
27 pendency of the action and of the Settlement, and the methods of giving notice to members of the
28 Settlement Class, constitute the best notice practicable under the circumstances, and constitute
valid, due, and sufficient notice to all members of the Settlement Class. The form and method of

1 giving notice complies fully with the requirements of California Code of Civil Procedure § 382,
2 California Civil Code § 1781, California Rules of Court 3.766 and 3.769, the California and United
3 States Constitutions, and other applicable law.

4 6. The Court further approves the procedures for Settlement Class members to opt out
5 of or object to the Settlement, as set forth in the Class Notice and the Settlement.

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

10 8. The Court directs the Claims Administrator to mail the Class Notice to the members
11 of the Settlement Class in accordance with the terms of the Settlement.

12 9. The Class Notice shall provide at least 60 calendar days' notice for members of the
13 Settlement Class to submit disputes, opt out of, or object to the Settlement.

14 10. The Final Fairness Hearing on the question of whether the Settlement should be
15 finally approved as fair, reasonable, and adequate is scheduled in Department J of this Court,
16 located at 1215 Truxton Ave., Bakersfield, CA 93301, on **October 19**, 2023 at **8:30 a.m.**

17 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement
18 should be approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a
19 judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiffs'
20 application for enhancement payments, claims administration costs, the Labor and Workforce
21 Development Agency's ("LWDA") share of PAGA penalties, and Class Counsel's attorneys' fees
22 and costs should be granted.

23 12. Counsel for the parties shall file memoranda, declarations, or other statements and
24 materials in support of their request for final approval of Plaintiffs' application for an enhancement
25 payment, claims administration costs, LWDA's share of PAGA penalties, and Class Counsel's
26 attorneys' fees and costs no later than **September 19, 2023**

27 13. An implementation schedule is below:
28

Event	Date
Defendant to provide class contact information to Claims Administrator no later than:	_____ (Within 30 calendar days after entry of Order granting preliminary approval of class actions settlement)
Claims Administrator to mail the Class Notice to the Settlement Class no later than:	_____ (Within 7 calendar days from Claims Administrator's receipt of class contact information from Defendant)
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	_____ (Within 60 calendar days of the date of the Claims Administrator's initial mailing of the Class Notice to Settlement Class)
Final Fairness Hearing:	October 19, 2023 at 8:30 a.m.

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

15. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement that are not materially inconsistent with either this Order or the terms of the Settlement.

IT IS SO ORDERED.

Dated: May 26, 2023



Honorable David R. Zulfa
Judge of the Superior Court