

Electronically Received 05/18/2022 03:26 PM

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**FILED**  
Superior Court of California  
County of Los Angeles  
**05/24/2022**

Sherri R. Carter, Executive Officer / Clerk of Court  
By:                     A. Lim                     Deputy

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **FOR THE COUNTY OF LOS ANGELES**

18 DELIA BORREGO, individually, and on behalf  
19 of other members of the general public  
20 similarly situated and on behalf of other  
21 aggrieved employees pursuant to the California  
22 Private Attorneys General Act,

23 Plaintiff,

24 vs.

25 PRECISION TOXICOLOGY, LLC, a  
26 California limited liability company;  
27 PRECISION DIAGNOSTICS, an unknown  
28 business entity; and DOES 1 through 100,  
inclusive,

Defendants.

Case No. 19STCV46037

Honorable William Highberger  
Dept. 10

**CLASS ACTION**

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

**Preliminary Approval Hearing:**

Hearing Date: May 13, 2022  
Time: 10:00 a.m.  
CrtRm. 10

Complaint Filed: December 24, 2019

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**WHEREAS**, this matter came on for hearing on May 13, 2022, at 10:00 a.m. before the Honorable William Highberger in Courtroom 10 of the above-entitled Superior Court of California, County of Los Angeles, located at 312 North Spring Street, Los Angeles, California 90012, upon application of Plaintiff Delia Santiago Borrego (“Plaintiff”) for preliminary approval of the proposed Stipulation Of Class And Representative Action Settlement (“Settlement” or “Settlement Agreement”) attached as **Exhibit “1”** to the Declaration of Jennifer L. Connor filed concurrently with the Motion, along with the supplemental declaration filings thereto, including:

- the fully executed Amendment to Stipulation of Class and Representative Action Settlement attached at Exhibit “1” to the Supplemental Declaration of Jennifer L. Connor Re: Court’s Conditional Grant Of Plaintiff’s Motion For Preliminary Approval filed on May 18, 2022

and having considered Plaintiff’s Motion For Preliminary Approval Of Class Action Settlement, memorandum of points and authorities in support thereof, and supporting declarations and exhibits filed therewith; and good cause appearing.

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

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

1. The Court preliminarily and conditionally certifies the following Class for purposes of settlement which is comprised of: “All current and former non-exempt employees who worked for Defendant within the State of California during the Class Period.” *See*, (Settlement Agreement ¶ 4.) Further, the “Class Period” is defined as the time period beginning on December 24, 2015 and ending on November 03, 2021. (Settlement Agreement ¶ 7.) Settlement Class Members include all those who do not properly and timely opt-out/request exclusion from the Settlement.

2. The Court preliminarily approves the Gross Settlement Amount of \$545,000;

1           3.       The Court preliminarily approves named Plaintiff, Delia Borrego, as Class  
2 Representative for the purpose of settlement;

3           4.       The Court preliminarily appoints Lawyers *for* Justice, PC and CounselOne, PC as  
4 Class Counsel for purposes of settlement;

5           5.       The Court preliminarily approves the application for payment to Class Counsel of  
6 reasonable attorneys' fees of up to 35% of the Gross Settlement Amount (*i.e.*, 190,750) and  
7 reasonable costs in an amount not to exceed \$20,000;

8           6.       The Court preliminarily approves the payment of enhancement award in the  
9 amount of \$7,500 to named Plaintiff/Class Representative;

10          7.       The Court preliminarily approves the settlement administration services to be  
11 provided by CPT Group, Inc., and the costs of distribution of notice and settlement  
12 administration estimated at \$15,000;

13          8.       The Court preliminarily approves a PAGA Payment of \$40,000 – of which 75%  
14 (or, \$30,000) – will be allocated to the LWDA for civil penalties pursuant to statute (“LWDA  
15 Payment”). The remaining 25% (or, \$10,000) will be allocated and paid to PAGA Group  
16 Members, who are Class Members employed during the PAGA Period, which is October 09,  
17 2018 through November 03, 2021, and irrespective of whether or not they opt-out;

18          9.       The Court preliminarily approves as to form and content the revised Notice of  
19 Proposed Class Action And PAGA Settlement And Hearing Date For Court Approval (“Class  
20 Notice”), which is attached at Exhibit “3” to Supplemental Declaration of Jennifer L. Connor  
21 Re: Court’s Conditional Grant Of Plaintiff’s Motion For Preliminary Approval, to be sent to  
22 Class Members;

23          10.       The Court directs Defendant to provide, not later than thirty (30) calendar days  
24 after entry of the Order granting preliminary approval, to the Settlement Administrator the  
25 following information about each Class Member (“Class List”): (1) Class Member’s full name;  
26 (2) last known mailing address; (3) Social Security number; (4) number of Pay Periods during  
27 the Class Period; and (5) number of Pay Periods during the PAGA Period;

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

4           12.     The Court orders that any and all submissions of Opt-Outs/Requests for  
5 Exclusion, Objections, dispute to estimated payments, and/or notices of intent to appear at the  
6 Final Approval Hearing be postmarked, and where applicable, served on counsel for the Parties  
7 no later than forty-five (45) calendar days after the date of mailing of the Notice Packets; and

8           13.     A Final Approval Hearing on the question of whether the proposed class action  
9 Settlement should be finally approved a fair, reasonable and adequate as to the members of the  
10 proposed class is hereby scheduled in this Courtroom #10 for September 01, 2022 at 1:30 p.m.

11  
12 **IT IS SO ORDERED.**

13                     05/24/2022  
14 Dated: \_\_\_\_\_



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William F. Highberger / Judge  
Hon. William Highberger  
Judge of the Superior Court

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