



**FILED**  
San Francisco County Superior Court

OCT 4 - 2019

CLERK OF THE COURT  
BY: [Signature]  
Deputy Clerk

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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

LUIS MORENO, an individual, on behalf of  
and others similarly situated

Plaintiff,

vs.

HATHAWAY DINWIDDIE  
CONSTRUCTION COMPANY; DOES 1  
thru 50, inclusive,

Defendants.

CASE NO. CGC-16-554443

ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS ACTION  
SETTLEMENT

1 The Amended Motion for Preliminary Approval of the Class Settlement came before this  
2 Court on September 30, 2019. The Court, having considered the papers submitted in support of  
3 the motion of the parties, **HEREBY ORDERS THE FOLLOWING:**

4 1. The Court grants preliminary approval of the Settlement, attached hereto as  
5 Exhibit A, and the Settlement Class based upon the terms set forth in the Settlement Agreement  
6 filed herewith and provisionally certifies the Settlement Class for purposes of settlement.

7 2. For purposes of this Order, the Class is defined as follows:

8 “All persons who are employed or have been employed as an employee by  
9 HATHAWAY DINWIDDIE CONSTRUCTION COMPANY, in the State of  
10 California who are or were members of a Union with a collective bargaining  
11 agreement to which HATHAWAY DINWIDDIE CONSTRUCTION COMPANY  
12 is a signatory, from September 22, 2015 to October 16, 2016. (‘Settlement  
13 Class’).”

14 3. For settlement purposes only, the proposed Settlement Class meets the  
15 requirements for certification under Code of Civil Procedure § 382. Accordingly, the Settlement  
16 Class is preliminarily certified for settlement purposes only.

17 4. The Settlement preliminarily appears to be within the range of possible final  
18 approval, such that notice should be provided to the Settlement Class.

19 5. The Court approves, as to form and content, the Notice to Class Members in the  
20 form attached hereto as Exhibit B.<sup>1</sup>

21 6. The proposed plan for distributing notice, which includes the provision of website  
22 notice, as set forth in the Settlement at pages 12-14 is approved, as modified by ¶ 3 of the  
23 Supplemental Kingsley Declaration, signed September 26, 2019. Class Counsel is directed to  
24 personally verify that all required documents are timely posted on the settlement website.  
25 Moreover, all papers filed in connection with the final approval hearing must be promptly posted  
26 to the settlement website after they are filed with the Court.

27 7. The Court approves the procedure for Class Members to make a claim, opt out,  
28 and object to the Settlement as set forth in the Notice to Class Members.

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<sup>1</sup> The parties should do a final proof of the notice before it is mailed, with attention to the areas affected by the most recent revisions. There is at least one typographical error in the .pdf file provided to the Court for attachment as Exhibit B. However, the Court does not wish to delay this settlement to resolve typographical errors.



1           8.     The Court appoints Kingsley & Kingsley, APC as Class Counsel for settlement  
2 purposes.

3           9.     The Court appoints Luis Moreno as class representative for settlement purposes.

4           10.    The Court approves CPT Group, Inc. as the Settlement Administrator.

5           11.    The Court orders that pursuant to the California Private Attorneys General Act,  
6 Labor Code §§ 2698, et seq. ("PAGA"), statutory notice of this Settlement has been and will  
7 continue to be given to the Labor & Workforce Development Agency.

8           12.    A final fairness hearing on the question of whether the proposed Settlement,  
9 attorneys' fees and costs to Class Counsel, and the claims administration costs should be finally  
10 approved as fair, adequate, and reasonable as to the members of the Class is scheduled for  
11 February 11, 2020 at 9:15 a.m. (Pacific Time), in Department 304 of the Superior Court of  
12 California, County of San Francisco, located at 400 McAllister Street, San Francisco, California  
13 94102. The Court will also consider Plaintiff's request for a service award and proposed cy pres  
14 beneficiary, as well as any other matters that the Court deems appropriate.

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

16	a.	Preliminary Approval	October 4, 2019
17	b.	Deadline for Defendant to Provide Names and Addresses of Class Members to Claims Administrator	October 15, 2019
18	c.	Mail Notice to Class Members	October 29, 2019
19	d.	Deadline for Postmark of Any Request for Exclusion	December 28, 2019 <sup>2</sup>
20	e.	Deadline for Postmark of Any Objection	December 28, 2019 <sup>3</sup>
21	f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	January 28, 2020
22	g.	Deadline for Class Counsel to file Motion for Attorneys' Fees	December 10, 2019
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27 <sup>2</sup> This date may be extended as to certain individuals if certain circumstances  
contemplated by the Settlement, at page 13, arise.

28 <sup>3</sup> This date may be extended as to certain individuals if certain circumstances  
contemplated by the Settlement, at page 13, arise.

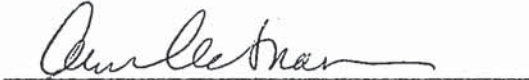
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h.	Final Approval Hearing	February 11, 2020
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IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the Settlement Agreement, does not occur for any reason, the Settlement Agreement and the proposed Settlement that is the subject of this Order, and all evidence and proceedings had in connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth in the Settlement Agreement.

IT IS FURTHER ORDERED that, pending further Order of this Court, all proceedings in this matter except those contemplated herein and in the Settlement Agreement are hereby stayed. The Court expressly reserves the right to adjourn or continue the Final Fairness Hearing from time to time without further notice to members of the Settlement Class.

Dated: October 4, 2019



Anne-Christine Massullo  
Judge of the Superior Court

**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, DANIAL LEMIRE, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On **OCT 4 - 2019**, I electronically served THE ATTACHED DOCUMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **OCT 4 - 2019**

T. Michael Yuen, Clerk

By: 

DANIAL LEMIRE, Deputy Clerk