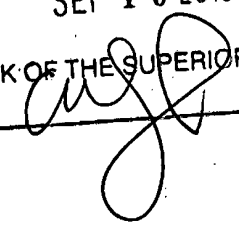




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FILED
ALAMEDA COUNTY

SEP 16 2019

CLERK OF THE SUPERIOR COURT
By  Deputy

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8
9 Attorneys for Plaintiff
ALEJANDRO GUZMAN

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ALAMEDA

13 ALEJANDRO GUZMAN, individually and on
14 behalf of all others similarly situated,
15 Plaintiffs,

16 v.

17 PICK-N-PULL AUTO, a California
Corporation; SCHNITZER STEEL
18 INDUSTRIES, INC., an Oregon Corporation;
and DOES 1 through 20, inclusive,
19 Defendants.

Case No. RG16816283

[Assigned to Hon. Winifred Y. Smith,
Dept. 21]

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

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1 This matter came on for hearing on September 13, 2019, in Department 21 of the above-
2 captioned Court on Plaintiff's Motion for Preliminary Approval of Class Action Settlement.
3 Having fully reviewed and considered the moving papers, and having analyzed the Stipulation of
4 Settlement and Plaintiff's Request to Certify the Class for Purposes of Settlement Only (the
5 "Settlement Agreement" or "Settlement") between Plaintiff Alejandro Guzman and Defendant
6 Pick-N-Pull Auto Dismantlers ("PNP"), attached as Exhibit A to the Declaration of Gene
7 Williams,

8 **THIS COURT HEREBY MAKES THE FOLLOWING ORDERS:**

9 1. This Court hereby preliminarily approves the Settlement Agreement as fair,
10 reasonable and adequate.

11 2. All defined terms contained herein shall have the same meaning as those set forth
12 in the Settlement Agreement.

13 3. The Notice of Pendency of Class Action and Proposed Settlement (the "Class
14 Notice"), attached as Exhibit 3 to the Settlement Agreement, is hereby approved.

15 4. The Court finds that the distribution of the Class Notice in the manner set forth
16 below and in the Settlement Agreement substantially complies with the requirements of
17 California law and due process, is the best notice practicable under the circumstances, and
18 constitutes due process and sufficient notice to all persons entitled thereto.

19 5. Solely for the purpose of the proposed Settlement, the following class is hereby
20 provisionally certified pursuant to California Code of Civil Procedure section 382:

21 All employees who were employed by PNP in California in a non-
22 exempt position between April 26, 2013 and the date of entry of the
Preliminary Approval Order.

23 6. Solely for purposes of the proposed Settlement, the Court does hereby
24 preliminarily approve Ronald W. Makarem and Gene Williams of Makarem & Associates,
25 APLC, and Michael H. Kim of the Law Offices of Michael H. Kim, P.C., as Class Counsel.

26 7. Solely for purposes of the proposed Settlement, the Court does hereby
27 preliminarily approve Plaintiff Alejandro Guzman as the Class Representative.

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1 8. Solely for purposes of the proposed Settlement, the Court does hereby
2 preliminarily approve of and appoint CPT Group, Inc. as the Settlement Administrator, and
3 approves an allocation from the Settlement Amount of up to \$30,000 for settlement
4 administration costs.

5 9. The final fairness hearing (the "Final Approval Hearing") shall be set for
6 December 13, 2019, in Department 21 of this Court, to review the notice process and objections
7 (if any), and to determine whether the proposed Settlement on the terms and conditions set forth
8 in the Settlement Agreement, is fair, reasonable, and adequate, and should be approved by the
9 Court; whether Judgment, as provided in the Settlement Agreement, should be entered; and to
10 determine the amount of attorneys' fees and costs that should be awarded to Class Counsel and
11 the amount of the Class Representative Enhancement Award that should be awarded to Plaintiff
12 Alejandro Guzman. The final fairness hearing date and time are subject to change without any
13 further direct notice to the putative class members.

14 10. The Settlement Administrator shall supervise and administer the notice procedure
15 as set forth in the Settlement Agreement.

16 11. Any Class Member who wishes to be excluded (opt-out) from the Settlement Class
17 and not participate in the proposed Settlement must execute a written request for exclusion that
18 shall be sent to the Settlement Administrator and postmarked no later than forty-five (45) days
19 after the initial mailing of the Class Notice. Any Class Member may submit to the Settlement
20 Administrator a written statement objecting to the Settlement that sets forth the grounds of the
21 objection. Any Class Member may appear at the Final Approval Hearing, with or without prior
22 notice, and show cause, if he or she has any, why the proposed Settlement should or should not be
23 approved as fair, reasonable, and adequate, why attorneys' fees and costs should or should not be
24 awarded to Class Counsel in the amount requested, or why the Class Representative Enhancement
25 Award should or should not be awarded to Plaintiff in the amount requested. Class Members who
26 validly opt out of the Settlement may not also object to the Settlement.

27 12. Upon an Order of this Court granting Final Approval of the Settlement, the
28 Settlement Administrator shall be authorized to release 90% of the approved Attorneys' Fees and

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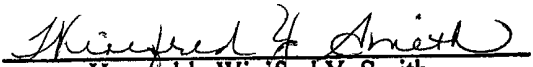
1 Costs to Class Counsel. The remaining 10% of the approved Attorneys' Fees and Costs shall be
2 retained by the Settlement Administrator until the Court conducts a post-distribution compliance
3 hearing to determine whether the funds were fairly and properly distributed.

4 13. The Court will set a compliance hearing for approximately sixty (60) days
5 following the final distribution of the Settlement funds.

6 14. The Court reserves the right to adjourn the date of the Final Approval Hearing
7 without further notice to the Class Members, and will retain jurisdiction to consider all further
8 applications arising out of or connected with the proposed Settlement Agreement.

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10 **IT IS SO ORDERED.**

11 Dated: September 16, 2019


Honorable Winifred Y. Smith
Judge of the Superior Court

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