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

AUG 21 2020

BY   
ERIN MUELLER, DEPUTY

16 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
17 **FOR THE COUNTY OF SAN BERNARDINO**

18 JUAN CAZARES LOPEZ, individually and on  
19 behalf of all others similarly situated,

20 Plaintiff,

21 v.

22 RTS HOLDINGS, LLC dba RoadOne  
23 Intermodalogistics, a Delaware Limited Liability  
24 Company; and does 1 to 50, inclusive,

25 Defendants.

Case No. CIVDS1934904

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

Dept.: S-26  
Judge: Hon. David Cohn

ORDER

1  
2 Plaintiff's Motion for Preliminary Approval of Class Action Settlement ("Motion") came on for  
3 hearing on August 11, 2020 at 10:00 a.m., before the Honorable David Cohn presiding. The  
4 Court having. Considered the papers submitted in support of the application of the parties, HEREBY  
5 ORDERS THE FOLLOWING:

6 1. The Court grants preliminary approval of the Settlement and the Settlement Class based  
7 upon the terms set forth in the Joint Stipulation of Settlement and Release of Class Action (the "Settlement  
8 Agreement") filed with the Declaration of Jonathan Melmed in Support of Plaintiff's Motion for  
9 Preliminary Approval of Class Action Settlement. All terms used herein shall have the same meaning as  
10 defined in the Settlement Agreement. The settlement set forth in the Settlement Agreement appears to be  
11 fair, adequate and reasonable to the Class.  
12

13 2. The Settlement falls within the range of reasonableness and appears to be presumptively  
14 valid, subject only to any objections that may be raised at the final fairness hearing and final approval of  
15 this Court.  
16

17 3. A final fairness hearing on the questions of whether the proposed Settlement, attorneys' fees  
18 and costs to Class Counsel should be finally approved as fair, reasonable and adequate as to the members  
19 of the Class is scheduled in Department S-26 on the date and time set forth in the implementation schedule  
20 in Paragraph 10 below.  
21

22 4. This Court approves, as to form and consent, the Notice of Proposed Class Action Settlement  
23 and Hearing Date for Court Approval ("Class Notice"), in substantially the form attached to the Settlement  
24 Agreement of Settlement as **Exhibit 1**, and the Share Form in substantially the form attached thereto as  
25 **Exhibit 2**. The Court approves the procedure for Class Members to participate in, to opt out of, and to  
26 object to, the Settlement as set forth in the Stipulation of Settlement.  
27

28 5. This Court has considered the papers in support of the Motion and the Settlement Agreement  
29 and finds that the, pursuant to C.R.C. Rule 3.769(d), proposed Class should be certified for settlement  
30 purposes only. Specifically, the Court finds for settlement purposes only that the proposed Class: (a) is

ascertainable; (b) is sufficiently numerous; (c) meets the commonality requirements; (d) the claims of the Class Representatives are typical of the claims of the proposed Class Members; (e) Class Representatives' counsel has and is able to adequately represent the proposed Class; (f) the Class Representatives are adequate to represent the Class; and (g) class-wide treatment of this dispute is superior to individual litigation because common issues predominate over individual issues for settlement purposes.

6. The Settlement falls within the range of reasonableness and appears to be presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.

7. The Court directs the mailing of the Class Notice, and the Share Form by first class mail to the Class Members in accordance with the Implementation Schedule set forth below. The Court finds the dates selected for the mailing and distribution of the Notice and the Share Form, as set forth in the Implementation Schedule, meet the requirements of due process and provide the best notice practicable under the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

8. The Court preliminary certifies for settlement purposes only the Settlement Class defined as follows: *Plaintiff and all other California residents who work or worked as truck drivers and who are or have been classified as independent contractors by Defendant in California from May 15, 2015 through February 1, 2020.* The Class Period is defined as May 15, 2015 through February 1, 2020.

9. The Court confirms Plaintiff Juan Cazares Lopez as Class Representative, and Craig J. Ackermann and Sam Vahedi of Ackermann & Tilajef, P.C., and Jonathan Melmed of Melmed Law Group P.C. as Class Counsel.

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

11. To facilitate administrations of the Settlement pending final approval, the Court hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or administrative proceedings (including filing claims with the Division of Labor Standards Enforcement of the California Department of Industrial Relations) regarding claims released by the Settlement, unless and until such Class Members have filed valid and timely Requests for Exclusion with the Settlement Administrator responding

1 to the Class Notice has lapsed.


2 12. The Court orders the following Implementation Schedule for further proceedings:

3 Defendant to make payment of the Gross Settlement Amount to the Settlement Administrator.	Within 20 calendar days of the Court's Order Granting Preliminary Approval, per the terms of the Settlement Agreement. These funds shall be held in a trust account by the Administrator pending final approval
4	
5	
6 Defendant to provide Class List to the Settlement Administrator.	Within 14 calendar days of the Court's Order Granting Preliminary Approval.
7	
8 Settlement Administrator to mail Notice Packet to Class Members.	Within 28 calendar days of the entry of the Order Granting Preliminary Approval.
9 Deadline for Class Members to object to, or opt out of, the Settlement.	Within 30 calendar days after mailing of Notice Packet by the Settlement Administrator
10	
11 Plaintiff to file Motion for Attorneys' Fees, Costs and Service Payment.	Not less than 25 calendar days after the mailing of the Notice Packet.
12	
13 Deadline for Plaintiff to file Motion for Final Approval.	Not less than 10 calendar days before the Final Approval hearing.
14	

15 13. A Final Approval hearing on the question of whether the proposed Settlement, including the  
16 requested attorneys' fees and costs to Class Counsel that will be included in the forthcoming motion for  
17 fees and costs, and the Class Representative's Incentive Award should be finally approved as fair,  
18 reasonable and adequate as to the members of the Class is scheduled for November 24, 2020 at 10:00 a.m.

20 14. The parties to the Agreement are directed to carry out their obligations under the Settlement  
21 Agreement.

22  
23  
24 Dated: 8/20/20

24   
25 \_\_\_\_\_  
26 Hon. David Cohn  
27 Judge of the Superior Court, San Bernardino