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

AUG 23 2023

BY 
JESSICA MORALES, DEPUTY

SUPERIOR COURT OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN BERNARDINO

ESTEBAN MARTINEZ, on behalf of all others
similarly aggrieved,

Plaintiff,
vs.

'T' MCGEE ELECTRIC, INC., a California
corporation; TRENT MCGEE, an Individual;
and DOES 1-20, Inclusive,

Defendants.

CASE NO. CIVSB2114427

Assigned for All Purposes to:
Hon. David Cohn
Dept. S-26

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

Date: August 23, 2023
Time: 9:00 a.m.
Dept.: S-26

1 The Court, having read the papers filed regarding Plaintiff's unopposed Motion for
2 Preliminary Approval of Class Action Settlement, and having heard argument regarding the
3 Motion, hereby finds and ORDERS as follows:

4 1. The Class Action and PAGA Settlement Agreement ("Settlement Agreement")
5 attached as Exhibit 1 to the Declaration of J. Kirk Donnelly in support of Plaintiff's unopposed
6 Motion for Preliminary Approval of Class Action Settlement, filed on or about August 8, 2023, is
7 within the range of possible recovery and, subject to further consideration at the Final Approval
8 Hearing described below, is preliminarily approved as fair, reasonable, and adequate;

9 2 For purposes of settlement only, the Court provisionally and conditionally certifies
10 the following class: "All individuals employed by Defendant McGee Electric, Inc. ("McGee
11 Electric") as a non-exempt employee in the State of California from May 21, 2017 until July 22,
12 2023."

13 3. The Court finds the Settlement Class, consisting of approximately 460 members, is
14 so numerous that joinder of all members is impracticable, and that the Settlement Class is
15 ascertainable by reference to the business records of defendant Pratt.

16 4. The Court finds further there are questions of law and fact common to the entire
17 Settlement Class, which common questions predominate over any individualized questions of law
18 or fact. These common questions include, without limitation: (1) whether McGee Electric paid
19 Settlement Class Members for all wages due, (2) whether McGee Electric provided Settlement
20 Class Members with all required meal and rest periods, and/or paid proper premium wages for
21 any missed, late, or interrupted meal or rest periods; (3) whether McGee Electric provided
22 Settlement Class Members with proper itemized wage statements, and (4) whether McGee
23 Electric paid the Settlement Class Members all wages due on separation of employment.

24 5. The Court finds further the claims of named Plaintiff Esteban Martinez are typical
25 of the claims of the Settlement Class, and that he will fairly and adequately protect the interests of
26 the Settlement Class. Accordingly, the Court appoints Esteban Martinez as the Class
27 Representative, and appoints his counsel of record, J. Kirk Donnelly and the Law Offices of J.
28 Kirk Donnelly, APC and Zachary M. Crosner and Crosner Legal, P.C., as Class Counsel.

1 6. The Court finds further that certification of the Settlement Class is superior to
2 other available means for the fair and efficient adjudication of the controversy.

3 7. The Court finds further that, in the present case, the proposed method of providing
4 notice of the Settlement to the Settlement Class via First Class U.S. Mail to each Settlement Class
5 Member's last known address, is reasonably calculated to notify the Settlement Class Members of
6 the proposed Settlement and provides the best notice possible under the circumstances. The
7 Court also finds the Notice of Class Action Settlement form is sufficient to inform the Settlement
8 Class Members of the terms of the Settlement and their rights thereunder, including the right to
9 object to the Settlement or any part thereof and the procedure for doing so, their right to exclude
10 themselves from the Settlement and the procedure for doing so, their right to obtain a portion of
11 the Settlement proceeds, and the date, time and location of the Final Approval Hearing. The
12 proposed Notice of Class Action Settlement (Exhibit A to the Settlement Agreement) and the
13 procedure for providing Notice set forth in the Settlement Agreement, are approved by the Court.

14 8. Under the terms of the Settlement Agreement, the Court approves the Parties'
15 selection of CPT Group, Inc. as the Settlement Administrator. The Settlement Administrator is
16 ordered to mail the Class Notice to the Settlement Class Members via First-Class U.S. Mail as
17 specified in the Settlement Agreement, and to otherwise carry out all other duties set forth in the
18 Settlement Agreement. The Parties are ordered to carry out and comply with all terms of this
19 Order and the Settlement Agreement, and particularly with respect to providing the Settlement
20 Administrator all information necessary to perform its duties under the Settlement Agreement.

21 9. Any member of the Settlement Class who wishes to comment on or object to the
22 Settlement or any term thereof, including any proposed award of attorney's fees and costs to
23 Class Counsel or any proposed representative enhancement to the Class Representative, shall
24 have forty five (45) days from the mailing of the Class Notice to submit his or her comments
25 and/or objection to the Settlement Administrator, as set forth in the Settlement Agreement and
26 Class Notice.

27 10. A Final Approval Hearing is hereby set for December 20, 2023, at 10:00 a.m., in
28 Department S-26 of the San Bernardino County Superior Court, to consider any objections to the

1 Settlement, determine if the proposed Settlement should be found fair, adequate and reasonable
2 and given full and final approval by the Court, and to determine the amount of attorney's fees and
3 costs awarded to Class Counsel, the amount of any representative enhancement award to the
4 Class Representative, and to approve the fees and costs payable to the Settlement Administrator.
5 All legal memoranda, affidavits, declarations, or other evidence in support of the request for final
6 approval, the award of attorney's fees and costs to Class Counsel, the enhancement award to the
7 Class Representative, and the fees and costs of the Settlement Administrator, shall be filed no
8 later than sixteen (16) court days prior to the Final Approval Hearing. The Court reserves the
9 right to continue the Final Approval Hearing without further notice to the Settlement Class
10 Members.

11 11. Provided he or she has not submitted a timely and valid Request for Exclusion, any
12 Settlement Class Member may appear, personally or through his or her own counsel, and be heard
13 at the Final Approval Hearing regardless of whether he or she has submitted a written objection.

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15 Dated: 8/23/23

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17 Judge of the Superior Court
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Jessica Morgan