

MARA LAW FIRM, PC
David Mara (SBN 230498)
dmara@maralawfirm.com
Jill Vecchi (SBN 299333)
jvecchi@maralawfirm.com
2650 Camino Del Rio North, Suite 302
San Diego, CA 92108
Telephone: (619) 234-2833
Facsimile: (619) 234-4048

COHELAN KHOURY & SINGER
Michael D. Singer (SBN 115301)
msinger@ckslaw.com
Rosemary C. Khoury (SBN 331307)
rkhoury@ckslaw.com
605 C Street, Suite 200
San Diego, CA 92101
Telephone: (619) 595-3001
Facsimile: (619) 595-3000

Attorneys for Plaintiff JUAN GARCIA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO**

JUAN GARCIA on behalf of himself, all
others similarly situated, and on behalf of
the general public,

Plaintiff,

v.

BACKYARD PRODUCTS LLC; and
DOES 1-100,

Defendants.

Lead Case No. 24CV009779
Consolidated with Case No. 24CV019984
ASSIGNED FOR ALL PURPOSES TO:
The Honorable Jill Talley
Department 23

CLASS ACTION

**~~[PROPOSED]~~ ORDER GRANTING
MOTION FOR PRELIMINARY APPROVAL
OF CLASS AND PAGA REPRESENTATIVE
ACTION SETTLEMENT**

Date: August 22, 2025
Time: 9:00 a.m.
Dept.: 23
Reservation No.: #A-09779-001

Complaint Filed: May 17, 2024
Trial Date: Not set

FILED
Superior Court of California
County of Sacramento
08/26/2025
T. Shaddix, Deputy

1 This matter came on for hearing on August 22, 2025 in Department 23 of the above-
2 captioned Court on Plaintiff's Motion for Order Granting Preliminary Approval of Class and
3 PAGA Representative Action Settlement ("Motion"). Having fully reviewed the Motion,
4 supporting memorandum of Points and Authorities and Declarations, Class Action and PAGA
5 Settlement Agreement ("Agreement") and the proposed Class Notice attached as Exhibit A to
6 the Agreement, having carefully analyzed the Agreement and Class Notice, and in recognition
7 of the Court's duty to make a preliminary determination as to the reasonableness of any
8 proposed class action settlement, and if preliminarily determined reasonable, to ensure proper
9 notice is provided to Class Members in accordance with due process requirements, and to set a
10 Final Approval Hearing to consider the good faith, fairness, adequacy and reasonableness of
11 the proposed Settlement, THE COURT MAKES THE FOLLOWING DETERMINATIONS
12 AND ORDERS:

13 1. The Court conditionally finds, for purposes of approving this settlement only,
14 the proposed Class meets the requirements for certification under section 382 of the California
15 Code of Civil Procedure: (a) the proposed Class is ascertainable and so numerous joinder of all
16 members of the Class is impracticable; (b) there are questions of law or fact common to the
17 proposed Class, and a well-defined community of interest among members of the proposed
18 Class with respect to the subject matter of the class action; (c) the claims of the Class
19 Representative are typical of the claims of the members of the proposed Class; (d) the Class
20 Representative has and will fairly and adequately protect the interests of the Members of the
21 Class; (e) a class action is superior to other available methods for an efficient adjudication of
22 this controversy in the context of settlement; and (f) counsel of record for Class Representative
23 are qualified to serve as Counsel for the Class.

24 2. The Court finds on a preliminary basis the Agreement, attached as Exhibit 1 to
25 the Declaration of Isam C. Khoury, incorporated, and made a part of this Order of preliminary
26 approval, appears to be within the range of reasonableness of a settlement which could
27 ultimately be given final approval by this Court.

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1 3. It appears to the Court on a preliminary basis: (a) the Gross Settlement Amount
2 is fair and reasonable to Class Members when balanced against the probable outcome of further
3 litigation relating to class certification, liability and damages, and potential appeals; (b)
4 significant investigation, research, and informal discovery, were conducted and counsel for the
5 Parties are able to reasonably evaluate their positions; (c) settlement will avoid substantial
6 costs, delays, and risks of further prosecution of the case; and (d) the proposed Settlement was
7 reached through serious, non-collusive negotiations facilitated by an experienced mediator.

8 4. Accordingly, good cause appearing, the Motion for Order Granting Preliminary
9 Approval of Class and PAGA Representative Action Settlement is GRANTED, and the Court
10 incorporates the Agreement in this Order.

11 5. For purposes of this Settlement, Class Members are defined as all persons who
12 performed installation services for Defendant in California as an independent contractor at any
13 time from September 1, 2020 through April 30, 2025.

14 6. For purposes of this Settlement, Aggrieved Employees are defined as all persons
15 who performed shed construction services for Defendant in California as an independent
16 contractor at any time from July 29, 2023 through April 30, 2025.

17 7. The Court finds the proposed Class Notice fairly and adequately advises Class
18 Members of (a) pendency of the Class Action Settlement; (b) conditional Class certification for
19 settlement purposes only; (c) preliminary Court approval of the proposed Settlement; (d) the
20 date, time and place of the Final Approval Hearing; (e) the terms of the proposed Settlement
21 and the benefits available to Class Members under the Settlement; (f) their right to receive a
22 proportionate share of the Net Settlement Amount without returning a claim form; (g) their
23 right to request exclusion, and procedures and deadline for doing so; (h) their right to object to
24 the Settlement, and the procedures and deadline for doing so; and, (i) their right to file
25 documents in opposition to the Settlement, and appear at the Hearing.

26 8. The Court finds the proposed Class Notice provides the best practicable notice
27 to the Class and comports with all constitutional requirements, including those of due process.
28 Accordingly, good cause appearing, the Court APPROVES the Class Notice.

1 9. The Court further finds mailing of the Class Notice to the last known address of
2 Class Members with measures taken for address verification and skip tracing of bad addresses,
3 as described in the Agreement, is an effective method of notifying Class Members of their
4 rights in the class action and the Settlement. Accordingly, IT IS ORDERED:

5 A. ILYM Group, Inc. be appointed the Settlement Administrator to
6 administer the Settlement of this matter as more specifically set forth in the Agreement;

7 B. Mara Law Firm PC and Cohelan Khoury & Singer be appointed as Class
8 Counsel;

9 C. Plaintiff Juan Garcia be appointed as Class Representative;

10 D. Within fifteen (15) calendar days (or, if that date falls on a weekend or
11 holiday, the next business day) after the date the Court enters an Order Granting Preliminary
12 Approval, Defendant shall provide the Settlement Administrator the Class Data containing the
13 following information in a Microsoft Office Excel format for each Class Member and
14 Aggrieved Employee: (i) full name; (ii) last known mailing address; (iii) email address (to the
15 extent Defendant has an email on file); (iv) social security number; and (v) number of Class
16 Period Installations and PAGA Installations.

17 E. Within fourteen (14) calendar days (or, if that date falls on a weekend or
18 holiday, the next business day) days after receipt of the Class Data, and after checking Class
19 Member information against the National Change of Address Database, the Settlement
20 Administrator shall send the Class Notice to Class Members via First Class U.S. mail, using the
21 most current, known mailing addresses for each Class Member.

22 F. On or before sixty (60) calendar days from the date the Settlement
23 Administrator first mails the Class Notice (or, if the 60th day falls on a Sunday or holiday),
24 Class Members who wish to exclude themselves from the Class must submit a written request
25 for exclusion in the manner set forth in the Class Notice. In the event that a Class Notice is re-
26 mailed to a Class Member, the Response Deadline for that Class Member shall be the extended
27 by fourteen (14) calendar days.

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1 G. On or before sixty (60) calendar days from the date the Settlement
2 Administrator first mails the Class Notice (or, if the 60th day falls on a Sunday or holiday, the
3 next business day), Class Members who wish to dispute the information upon which their
4 Individual Class Payment will be calculated must submit a written dispute in the manner set
5 forth in the Class Notice. In the event that a Class Notice is re-mailed to a Class Member, the
6 Response Deadline for that Class Member shall be the extended by fourteen (14) calendar days.

7 H. On or before sixty (60) calendar days from the date the Settlement
8 Administrator first mails the Class Notice (or, if the 60th day falls on a Sunday or holiday, the
9 next business day), Class Members who Object to the Settlement must submit a written
10 objection in the manner set forth in the Class Notice. Class Members may also appear at the
11 Final Approval Hearing to orally object, even if they have not submitted a written objection. In
12 the event that a Class Notice is re-mailed to a Class Member, the Response Deadline for that
13 Class Member shall be the extended by fourteen (14) calendar days.

14 10. IT IS FURTHER ORDERED the Final Approval Hearing shall be held before
15 the undersigned at 9:00 a.m. on FEJED, ~~2025~~ in Department 23 of the Superior Court
16 of California, County of Sacramento, Gordon D. Schaber Courthouse located at 720 9th Street,
17 Sacramento, California, 95814, to consider the fairness, adequacy, and reasonableness of the
18 proposed Settlement preliminarily approved by this Order of Preliminary Approval, and to
19 consider the application for Class Representative Service Payment and Class Counsel's
20 Attorneys' Fees and Costs incurred.

21 11. IT IS FURTHER ORDERED if the Court does not enter Judgment in
22 accordance with the Agreement, or it is vacated or reversed, the Parties will retain all rights,
23 status quo ante, and this matter shall proceed.

24 12. IT IS FURTHER ORDERED that pending further order of this Court, all
25 proceedings in this matter, except those contemplated by this Order and the Agreement are
26 stayed.

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1 13. The Court reserves the right to adjourn or continue the Final Approval Hearing
2 without further notice to Class Members. If written objections are submitted, Class Counsel
3 shall notify objecting Class Members of the new date and time set for the Final Approval
4 Hearing.

5 IT IS SO ORDERED.

6
7 Dated: 08/26/2025



Jill Talley

Honorable Jill H. Talley
Judge of the Superior Court