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Electronically filed by Superior Court of California  
County of Placer on 01/17/2024  
Jake Chatters, Clerk of the Court  
By A. Nichols Deputy Clerk

**SUPERIOR COURT STATE OF CALIFORNIA**

**COUNTY OF PLACER**

TODD KERN on behalf of himself, and  
similarly situated employees,

Plaintiff(s),

v.

VEXILLUM, INC. d/b/a EZ ELECTRIC, a  
California Corporation, CLIFFORD  
ZACHMAN, an individual, DOES 1-20,  
inclusive,

Defendant(s).

Case No.: S-CV-0049365

**CLASS ACTION**

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

Date: December 12, 2023  
Time: 8:30 am  
Judge: Hon. Trisha Hirashima  
Dept.: 42

Complaint Filed: October 26, 2022  
FAC: January 25, 2023  
Trial Date: Not Set

**TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

The Motion for Preliminary Approval of a Class Action Settlement came before this Court, on December 12, 2023, in Department 42, before the Honorable Trisha Hirashima presiding. The Court having considered the papers submitted in support of the application of the parties, **HEREBY ORDERS THE FOLLOWING:**

1. The Court grants preliminary approval of the Settlement and the Settlement Class based upon the terms set forth in the Class Action Settlement and Release ("Settlement"). All terms used herein shall have the same meaning as defined in the Class Action Settlement

1 and Release. The terms set forth in the Settlement appear to be fair, adequate and reasonable to  
2 the Class.

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

6 3. A final fairness hearing on the question of whether the proposed Settlement,  
7 attorneys' fees to Class Counsel, and the Class Representative's Enhancement Award should be  
8 finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in  
9 Department I G on the date and time set forth in the implementation schedule below.

10 4. This Court approves, as to form and content, the Court Approved Notice of Class  
11 Action Settlement and Hearing Date for Final Court Approval ("Notice") in substantially the  
12 form attached to the Settlement Between Plaintiff and Defendants as **Exhibit A**. The Court  
13 approves the procedure for Class Members to participate in, to opt out of, and to object to, the  
14 Settlement as set forth in the Settlement between Plaintiff and Defendants, and the Notice.

15 5. The Court directs the mailing of the Notice by first class mail to the class  
16 members in accordance with the Implementation Schedule set forth below. The Court finds the  
17 dates selected for the mailing and distribution of the Notice, as set forth in the Implementation  
18 Schedule, meet the requirements of due process and provide the best notice practicable under  
19 the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

20 6. It is ordered that the settlement class is preliminarily certified for settlement  
21 purposes only.

22 7. The Court confirms Plaintiff Todd Kern as the Class Representative, and Drew  
23 Lewis of Drew Lewis, PC as Class Counsel.

24 8. The Court confirms ILYM, Inc. as the Settlement Administrator.

25 9. To facilitate administration of the Settlement pending final approval, the Court  
26 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or  
27 administrative proceedings (including filing claims with the Division of Labor Standards  
28

Enforcement of the California Department of Industrial Relations) regarding claims released by the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with the Settlement Administrator.

10. The Court orders the following **Implementation Schedule** for further proceedings:

	Event	Date
a.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator	[21 calendar days after Order granting preliminary Approval]
b.	Deadline for Settlement Administrator to Mail Notice	[14 calendar days after receiving the Class Data]
c.	Deadline for Class Members to Postmark Requests for Exclusion	[60 calendar days after mailing of the Notice]
d.	Deadline for Receipt by Court and Settlement Administrator of any Objections to Settlement	[60 calendar days after mailing of the Notice]
e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days before Final Approval Hearing]
f.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	[16 Court days before Final Approval Hearing]
g.	Deadline for Defendant to provide written Notice of Rescission of Settlement to Class Counsel (if applicable)	[7 calendar days after the Administrator sends counsel final exclusion list]

	Event	Date
h.	Final Fairness Hearing and Final Approval	Date: _____ Time: _____
j.	Deadline for Settlement Administrator to mail the Settlement Awards, the Enhancement Award, and the Attorneys' Fees and Costs (if Settlement is Effective)	[14 calendar days after Effective Date] (if Settlement is Effective)
k.	Deadline for Settlement Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	[120 calendar days after Effective Date] (if Settlement is Effective)

**IT IS SO ORDERED**

DATED: 01/17/2024



/s/ Hon. Trisha Hirashima  
JUDGE OF THE SUPERIOR COURT