

FILED
SUPERIOR COURT
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUN 03 2025


BY: Kristen Collier Kosmatka, Deputy

EDWIN AIWAZIAN (SBN 232943)
edwin@calljustice.com

JOANNA GHOSH (SBN 272479)
joanna@calljustice.com

BRIAN J. ST. JOHN (SBN 304112)
brian@calljustice.com

LAWYERS for JUSTICE, PC
450 North Brand Blvd., Suite 900
Glendale, California 91203
Telephone (818) 265-1020
Facsimile (818) 265-1021

HEATHER DAVIS, SBN 239372
heather@protectionlawgroup.com
RYAN CHUMAN, SBN 300695
ryanc@protectionlawgroup.com

PROTECTION LAW GROUP, LLP
149 Sheldon Street
El Segundo, California 90245
Telephone: (424) 290-3095
Facsimile: (866) 264-7880

Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

JANET DUENAS and ALEJANDRA
MARTINEZ, individually, and on behalf of
other members of the general public similarly
situated, and as an aggrieved employee and
Private Attorney General; and WALTER
RIOS, individually, and on behalf of other
members of the general public similarly
situated,

Plaintiffs,

vs.

FIRST QUALITY PAINTING, INC., a
California corporation.; and DOES 1 through
100, inclusive,

Defendants.

Case No.: CIVSB2121824
Consolidated with Case No. CIVSB2126998

*Assigned for All Purposes to: Hon. ~~Fory~~
~~Raphael~~, Department S36* **JOSEPH WIDMAN**

CLASS ACTION

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

Hearing Date: June 3, 2025
Hearing Time: 8:30 a.m.
Department: S36

Complaint Filed: July 27, 2021
Trial: None Set

~~[PROPOSED]~~ ORDER

The Motion of Plaintiffs Janet Duenas, Alejandra Martinez, and Walter Rios (“Plaintiffs”) for Preliminary Approval of Joint Stipulation of Class Action and PAGA Settlement (“Motion”) came regularly for hearing before this Court on June 3, 2025. The Court, having considered the proposed Joint Stipulation of Class Action and PAGA Settlement Agreement (“Agreement” or “Settlement Agreement”) attached as Exhibit 1 to the Declaration of Heather Davis filed concurrently with the Motion; having considered Plaintiffs’ Motion for Preliminary Approval of Joint Stipulation of Class Action and PAGA Settlement, the memorandum of points and authorities in support thereof, and supporting declarations filed therewith; and good cause appearing, **HEREBY ORDERS THE FOLLOWING:**

1. The Court GRANTS preliminary approval of the Class Action and PAGA Settlement as set forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing. All terms used herein shall have the same meaning as defined in the Settlement Agreement. Specifically, the Court has reviewed and preliminary approves the following payments from the Settlement:

- The Gross Settlement Amount of \$150,000.00, exclusive of employer-side payroll taxes;
- Attorney’s fees not to exceed \$30,000.00 from the Gross Settlement Amount;
- Attorneys Costs not to exceed \$35,000.00 from the Gross Settlement Amount;
- Settlement Administration Costs not to exceed \$9,000.00 from the Gross Settlement Amount;
- Plaintiffs’ Enhancement Payments: \$5,000 to Plaintiff Janet Duenas and \$1,500 each to Plaintiffs Walter Rios and Alejandra Martinez, for a total of \$8,000.00;
- PAGA Penalties: \$7,500.00
- Payment of the remaining Net Settlement Amount of \$60,500.00 to the Class Members who choose to participate in the Settlement following administration of the Class Notice.

2. For purposes of the Settlement Agreement only, the Court finds that the proposed Class is ascertainable and that there is a sufficiently well-defined community of interest among the members of the Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following settlement Class:

All current and former non-exempt employees of Defendant First Quality Painting, Inc. who worked for Defendant First Quality Painting, Inc. in the state of California, at any time during the Class Period. The Class Period means the period between July 27, 2017, and December 2, 2024..

3. For purposes of the Settlement Agreement only, the Court designates Plaintiffs Janet Duenas, Alejandra Martinez, and Walter Rios as the Class Representatives and designates Protection Law Group, LLP, and Lawyers for Justice, P.C. as Class Counsel.

4. The Court designates ILYM Group, Inc. as the third-party Settlement Administrator.

5. The Parties are ordered to implement the Settlement Agreement according to the terms of the Settlement Agreement.

6. The Court approves, as to form and content, the Court Approved Notice of Proposed Class Action Settlement ("Class Notice") attached as Exhibit A to the Settlement Agreement.

7. The Court finds that the form of notice to the Class regarding the pendency of the Action and of the Settlement Agreement, the dates selected for mailing and distribution, and the methods of giving notice to members of the Class, satisfy the requirements of due process, constitute the best notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all members of the Class. The form and method of giving notice complies fully with the requirements of California Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of Court §§ 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

8. The Court further approves the procedures for Class Members to opt-out of or object to the Settlement Agreement, as set forth in the Class Notice and the Settlement Agreement. The procedures and requirements for filing objections in connection with the final fairness hearing

are intended to ensure the efficient administration of justice and the orderly presentation of any Class Member's objection to the Settlement Agreement, in accordance with the due process rights of all Class Members.

9. The Court directs the Settlement Administrator to mail the Class Notice to the members of the Class in accordance with the terms of the Settlement Agreement.

10. The Class Notice shall provide Sixty (60) calendar days' notice (plus an additional Fifteen (15) calendar days for Class Members whose Class Notice is re-mailed) for Class Members to submit disputes, opt-out of, or object to the Settlement Agreement.

11. The hearing on Plaintiffs' Motion for Final Approval of Settlement Agreement on the question of whether the Settlement Agreement should be finally approved as fair, reasonable, and adequate is scheduled in Department S36 of this Court, located at 247 W. Third Street, San Bernardino, California 92415, on 10/21/25, 2025, at 9:00 a.m. p.m.

12. At the Final Fairness hearing, the Court will consider: (a) whether the Settlement Agreement should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment granting final approval of the Settlement Agreement should be entered; and (c) whether Plaintiffs' application for class representative enhancement awards, the settlement administration costs, and Class Counsel's attorney's fees and costs, should be granted.

13. Counsel for the Parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of Plaintiffs' application for Class Representative Enhancement Awards, Settlement Administration Costs, Class Counsel's Attorneys' Fees and Costs, prior to the hearing on Plaintiffs' Motion for Final Approval of Class Action and PAGA Settlement according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

14. An implementation schedule is below:

Event	Date
Defendant to provide class contact information to the Settlement Administrator no later than:	<u>6/23/25</u> [20 calendar days following preliminary approval]

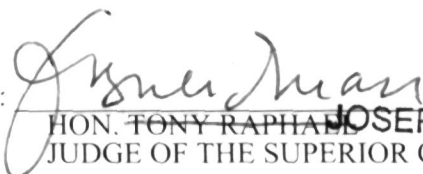
Settlement Administrator to mail the Class Notice to the Class Members no later than:	<u>6/30/25</u> [7 calendar days following provision of contact information]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement Agreement:	<u>8/29/25</u> [60 days after mailing of the Class Notice]
Deadline for Plaintiffs to file Motion for Final Approval of Joint Stipulation of Class Action Settlement:	<u>10/6/25</u> [16 court days before Motion for Final Approval Hearing Date]
Hearing on Motion for Final Approval of Joint Stipulation of Class Action Settlement:	<u>10/21/25</u> at <u>9:00</u> a.m./p.m. in Department S36

15. Pending the Final Fairness hearing, all proceedings in this Action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this Order, are stayed. To facilitate administration of the Settlement Agreement pending final approval, the Court hereby enjoins Plaintiffs and all members of the Class from filing or prosecuting any claims, or suits regarding claims released by the Settlement Agreement, unless and until such Class Members have filed valid Requests for Exclusion with the Settlement Administrator.

16. Counsel for the Parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the Settlement Agreement which are not materially inconsistent with either this Order or the terms of the Settlement Agreement.

IT IS SO ORDERED.

DATED: 6/3/25

By: 
HON. TONY RAPHAEL JOSEPH WIDMAN
JUDGE OF THE SUPERIOR COURT