

1 Jamie Serb (SBN 289601)
2 *jamie@crosnerlegal.com*
3 SEPIDEH ARDESTANI (SBN 274259)
4 *sepideh@crosnerlegal.com*
5 ZACHARY CROSNER (SBN 272295)
6 *zach@crosnerlegal.com*
7 **CROSNER LEGAL, PC**
8 9440 Santa Monica Blvd., Ste. 301
9 Beverly Hills, CA 90210
10 Tel: (866) 276-7637
11 Fax: (310) 510-6429

12 Attorneys for Plaintiff Daniel Guevara

13
14
15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17 DANIEL GUEVARA, individually and on
18 behalf of all others similarly situated,

19 Plaintiff,

20 v.

21 CALTEK STAFFING, INC., a California
22 corporation; ARCHIE PAYNE, an individual,
23 and DOES 1–50 inclusive,

24 Defendants.

Case No.: 20STCV 11125

Assigned for All Purposes to:
Hon. David S. Cunningham
Dept. SSC-11

NOTICE OF ENTRY OF ORDER

1 TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that on January 5, 2024, the Court entered its Order granting.
3 Plaintiff's Motion for Preliminary Approval of Class Action. Furthermore, a Final Approval Hearing
4 is set for May 1, 2024, at 9:00 am in Department SSC-11. A true copy of the Court's Order is
5 attached hereto as Exhibit A.

6
7 Dated: January 5, 2024

CROSNER LEGAL, P.C.

8
9 

10 Jamie Serb
11 Sepideh Ardestani
12 Zachary Crosner
13 Attorneys for Plaintiff Daniel Guevara
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT

A

01/05/2024

David W. Slayton, Executive Officer / Clerk of Court

By: T. Lewis Deputy

1 Jamie Serb (SBN 289601)
jamie@crosnerlegal.com
2 SEPIDEH ARDESTANI (SBN 274259)
sepideh@crosnerlegal.com
3 ZACHARY CROSNER (SBN 272295)
zach@crosnerlegal.com
4 **CROSNER LEGAL, PC**
5 9440 Santa Monica Blvd., Ste. 301
6 Beverly Hills, CA 90210
7 Tel: (866) 276-7637
8 Fax: (310) 510-6429

Attorneys for Plaintiff Daniel Guevara

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES**

11 DANIEL GUEVARA, individually and on
12 behalf of all others similarly situated,

13
14 Plaintiff,

15 v.

16 CALTEK STAFFING, INC., a California
17 corporation; ARCHIE PAYNE, an individual,
and DOES 1–50 inclusive,

18 Defendants.
19
20
21
22
23
24
25
26
27
28

Case No.: 20STCV11125

Assigned for All Purposes to:
Hon. David S. Cunningham
Dept. SSC-11

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

Date: January 3, 2024
Time: 9:00 a.m.
Dept. SSC-11

Electronically Received 10/05/2023 10:03 AM

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 on the Motion,
3 hereby finds and ORDERS as follows:

4 1. The Second Amended Class Action and PAGA Settlement Agreement and Class
5 Notice attached as Exhibit 1 to the Second Supplemental Declaration of Sepideh Ardestani in
6 support of Plaintiff’s unopposed Motion for Preliminary Approval of Class Action and PAGA
7 Settlement, filed on or about October 4, 2023 (the “Settlement Agreement”), is within the range of
8 possible recovery and, subject to further consideration at the Final Approval Hearing described
9 below, is preliminarily approved as fair, reasonable, and adequate. The Court, for purposes of this
10 Order, adopts all defined terms as set forth in the Settlement Agreement.

11 2 For purposes of settlement only, the Court provisionally and conditionally certifies
12 the following class: all non-exempt individuals who are or previously were employed by
13 Defendant Caltek Staffing, Inc. (“Caltek”) in California during the Class Period of March 20, 2016
14 to January 31, 2023.

15 3. The Court finds the Settlement Class, consisting of approximately 231 members, is
16 so numerous that joinder of all members is impracticable, and that the Settlement Class is
17 ascertainable by reference to the business records of Defendant.

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

24 5. The Court finds further the claims of named Plaintiff Daniel Guevara are typical of
25 the claims of the Settlement Class, and that he will fairly and adequately protect the interests of the
26 Settlement Class. Accordingly, the Court appoints Daniel Guevara as the Class Representative,
27 and appoints their counsel of record, Zachary M. Crosner and Sepideh Ardestani, and Crosner
28 Legal, PC, as Class Counsel.

1 6. The Court finds further that certification of the Settlement Class is superior to other
2 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 Court
7 also finds the Notice of Class Action Settlement form is sufficient to inform the Settlement Class
8 Members of the terms of the Settlement and their rights thereunder, including the right to object to
9 the Settlement or any part thereof and the procedure for doing so, their right to exclude themselves
10 from the Settlement and the procedure for doing so, their right to obtain a portion of the
11 Settlement proceeds, and the date, time and location of the Final Approval Hearing. The proposed
12 Notice of Class Action Settlement, and the procedure for providing Notice set forth in the
13 Settlement Agreement, all are approved by the Court.

14 8. Under the terms of the Settlement Agreement, the Court approves the Parties'
15 selection of ILYM 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 Class
23 Counsel or any proposed representative enhancement to the Class Representatives, shall have sixty
24 (60) days from the mailing of the Class Notice to submit his or her comments and/or objection to
25 the Settlement Administrator, as set forth in the Settlement Agreement and Class Notice.

26 10. Any member of the Settlement Class who wishes to exclude themselves from the
27 Settlement shall have sixty (60) days from the mailing of the Class Notice to submit his or her
28


1 Request for Exclusion to the Settlement Administrator, as set forth in the Settlement Agreement
2 and Class Notice.

3 11. The Settlement administrator is ordered to file a declaration in advance of the Final
4 Approval Hearing attaching and authenticating all Requests for Exclusion, if any, and further
5 attaching and authenticating all Objections, if any.

6 12. A Final Approval Hearing is hereby set for ~~May 29~~ ^{Tue} ~~May 29~~ ^{June 4}, 2024, at 9:00 a.m. in
7 Department SSC-11 of the Los Angeles County Superior Court, to consider any objections to the
8 Settlement, determine if the proposed Settlement should be found fair, adequate and reasonable
9 and given full and final approval by the Court, and to determine the amount of attorney's fees and
10 costs awarded to Class Counsel, the amount of any representative enhancement award to the Class
11 Representative, and to approve the fees and costs payable to the Settlement Administrator. All
12 legal memoranda, affidavits, declarations, or other evidence in support of the request for final
13 approval, the award of attorney's fees and costs to Class Counsel, the enhancement awards to the
14 Class Representatives, and the fees and costs of the Settlement Administrator, shall be filed no
15 later than sixteen (16) court days prior to the Final Approval Hearing. The Court reserves the right
16 to continue the Final Approval Hearing without further notice to the Settlement Class Members.

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

20
21 Dated: 01/05/2024
22


23
24
25
26
27
28

Judge of the Superior Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE
Daniel Guevara v. Caltek Staffing Inc., et al.
Los Angeles County Superior Court Case No. 20STCV11125

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 9440 Santa Monica Blvd., Ste. 301, Beverly Hills, CA 90210.

On January 5, 2024, I served true copies of the following document(s) described as

NOTICE OF ENTRY OF ORDER

on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

☒ BY ELECTRONIC TRANSMISSION. Pursuant to the Court's Order re Electronic Service, I caused the documents described above to be E-Served through Case Anywhere by electronically mailing a true and correct copy through Case Anywhere to the addressee(s) listed

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 5, 2024, at Los Angeles, California.



Maria Monterrey

SERVICE LIST

Daniel Guevara v. Caltek Staffing Inc., et al.

Los Angeles County Superior Court Case No. 20STCV11125

Linda Auerbach Allderidge, Esq.

Samuel J. Stone, Esq.

HOLLAND & KNIGHT LLP

400 S. Hope Street, 8th Floor

Los Angeles, Ca 90071

Ph#213-896-2400

Fax#213-896-2450

Linda.allderidge@hklaw.com

Sam.stone@hklaw.com

Attorney for Defendants

CALTEK STAFFING, INC.

ARCHIE PAYNE

Lonnie D. Giamela

Christopher D. Chaplin, Esq.

FISHER & PHILLIPS LLP

444 South Flower Street, Suite 1500

Los Angeles, CA 90071

Tel: (213) 330-4500

Facsimile: (213) 330-4501

lgiamela@fisherphillips.com

cchaplin@fisherphillips.com

Attorneys for Cross-Defendant

OAKCROFT ASSOCIATES INC. dba

Roofmaster