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AMS-
OCT 08 2024
Filed -
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By *[Signature]*
DEPUTY

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Attorneys for Plaintiffs JASON GUTIERREZ and LOUIE YLIZ,
on behalf of themselves and others similarly situated

[Additional Counsel listed on following page]

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

JASON GUTIERREZ and LOUIE YLIZ,
on behalf of themselves and on behalf of
all other aggrieved employees,

Plaintiffs,

vs.

AGTAC SERVICES, LLC, a limited
liability company; and DOES 1 through
50, inclusive,

Defendants.

Case No. STK-CV-UOE-2022-0006123
Judge: Hon. Jayne Lee
Department: 10C

CLASS ACTION

~~[PROPOSED]~~ ORDER GRANTING
MOTION FOR AN ORDER (1)
PRELIMINARILY APPROVING THE
CLASS ACTION SETTLEMENT, (2)
APPROVING NOTICE OF CLASS ACTION
SETTLEMENT, AND (3) SETTING
HEARING FOR FINAL APPROVAL

*[Filed concurrently with Plaintiffs' Notice of
Motion and Motion; Memorandum of Points and
Authorities; Declaration of Jason Gutierrez;
Declaration of Louie Yliz; Declaration of Raul
Perez; and Declaration of Roman Shkodnik]*

Date: OCT - 8 2024

Time: 9:00 a.m.
Dept.: 10C

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1 Plaintiff Jason Gutierrez and Plaintiff Louie Yliz ("Plaintiffs") filed a Motion (the
2 "Motion") for an Order (1) preliminarily approving the Class Action and Private Attorneys
3 General Act of 2004 ("PAGA") reached between the parties; (2) approving the Notice of Class
4 Action Settlement, and (3) setting the final approval hearing. The hearing on the Motion was set
5 for 10/8/24 at 9:00 a.m., at Stockton Courthouse, 180 E Weber Avenue, 2nd Floor, Stockton,
6 California, 95202 Department 10C. Defendant AgTac Services, LLC ("Defendant"), did not
7 oppose the Motion. (Plaintiffs and Defendant shall be collectively referred to herein as the
8 "Parties").

9 The Court, having considered Plaintiffs' Motion, the Memorandum of Points and
10 Authorities in support thereof and supporting evidence and Declaration, and Defendant's
11 agreement with and/or non-opposition to the Motion, hereby ORDERS, ADJUDGES, AND
12 DECREES as follows:

13 1. The Preliminary Approval Motion is GRANTED and the Parties' Class Action and
14 PAGA Settlement Agreement (the "Settlement" or "Settlement Agreement") attached to the
15 Declaration of Roman Shkodnik is preliminarily approved.

16 2. This Order incorporates by reference the definitions in the Settlement Agreement
17 and all terms defined therein shall have the same meaning in this Order.

18 3. The Class is preliminarily certified for settlement purposes only. The classes are
19 defined as: all current and former non-exempt employees of AgTac Services, LLC in the state of
20 California employed during the Class Release Period and/or PAGA Release Period. The Class
21 Release Period is the period from July 19, 2018, through June 22, 2023. The PAGA Release
22 Period is the period from July 19, 2021, through June 22, 2023. Should the Settlement not
23 become final, this Order shall be rendered null and void and shall be vacated, and the fact that the
24 Parties were willing to stipulate to class certification as part of the settlement shall have no
25 bearing on, nor be admissible in connection with, the issue of whether a class should be certified
26 in a non-settlement context. Should the Settlement not become final, the Parties shall revert to
27 their respective positions prior to notifying the Court of the settlement of the action.

28 4. The class action settlement contemplated by the Settlement Agreement is

1 preliminarily approved based upon the terms set forth in the Settlement Agreement. The class
2 action settlement appears to be fair, adequate, and reasonable to the Class. The class action
3 settlement contemplated by the Settlement Agreement falls within the range of reasonableness
4 that could ultimately be granted final approval by the Court. The preliminary approval of the class
5 action settlement includes the approval for purposes of the settlement of David Yeremian of
6 David Yeremian & Associates, Inc., Emil Davtyan and Roman Shkodnik of D.Law, Inc., and
7 Raul Perez, Orlando Villabla, Helga Hakimi, and Joey Parsons of Capstone Law APC as Class
8 Counsel; Jason Gutierrez and Louis Yliz as Class Representatives; and ILYM Group, Inc. as
9 Administrator. Class Counsel is authorized to act on behalf of the Class Members with respect to
10 all acts or consents required by or which may be given pursuant to the Settlement Agreement and
11 the class action settlement contemplated by the Settlement Agreement, and such other acts
12 reasonably necessary to consummate the settlement. The Administrator is authorized to perform
13 such acts as set forth in this Order and the Settlement Agreement.

14 5. The Court approves the Parties' allocation of \$50,000.00 to settle claims under the
15 Labor Code Private Attorneys General Act of 2004 ("PAGA"). Pursuant to Labor Code § 2699(i),
16 75% of this amount, or \$37,500.00, shall be paid to the California Labor & Workforce
17 Development agency and the remaining 25%, or \$12,500.00, shall be paid to Class Members in
18 the manner set forth in the Settlement Agreement.

19 6. The Notice of Class Settlement ("Class Notice" or "Notice"), attached to the
20 Settlement as **Exhibit A**, advising the Class of material terms and provisions of this settlement,
21 the procedure for approval thereof, and their rights with respect thereto are approved as to form
22 and content. The Court approves the procedure set forth in the Settlement Agreement for Class
23 Members to participate in, opt out of, and object to the Settlement as set forth in the Notice.

24 7. The Notice shall be sent by first class mail to the Class in accordance with the
25 schedule set forth below. The dates selected for the mailing and distribution of the Notice Packet
26 as set forth below meet the requirements of due process and provide the best notice practicable
27 under the circumstances and shall constitute due and sufficient notice to all persons entitled
28 thereto:

- 1 a. Deadline for Defendants to provide to Administrator the class list and
2 related information in electronic form: not later than 30 calendar days after the
3 Order granting preliminary approval.
4 b. Deadline for Administrator to mail the Class Notice by first-class regular
5 U.S. mail: 14 calendar days after receiving the class list and related information.
6 c. Deadline for class members to mail requests for exclusion to the
7 Administrator: 45 calendar days after the mailing of the Notice.
8 d. Deadline for class members to mail objections to the Administrator: 45
9 calendar days after the mailing of the Notice
10 e. Deadline for Class Counsel to file a Motion for Final Approval and a
11 Motion for Attorneys' Fees: not later than 16 court days before the calendared
12 Final Approval Hearing.
13 f. A Final Approval Hearing on the question of whether the proposed
14 settlement, attorneys' fees and costs to Class Counsel, and the class representative
15 enhancement should be approved as fair, reasonable, and adequate as to the
16 Settlement Class: March 4, 2025 at 9:00 a.m./p.m.

17 8. The Joint Stipulation shall not be construed as an admission or evidence of either
18 liability or the appropriateness of class certification in the non-settlement context, as more
19 specifically set forth in the Joint Stipulation. Entry of this Order is without prejudice to the rights
20 of Defendants to oppose certification of a class in this action should the proposed settlement not
21 be granted final approval.

22 10. All further proceedings in this action shall be stayed except such proceedings
23 necessary to review, approve, and implement this Settlement.

24 **IT IS SO ORDERED.**

25 DATED: 10/8/24

26 
27 HONORABLE JAYNE LEE
28 JUDGE OF THE SUPERIOR COURT

Jayne C. Lee