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Electronically FILED by
Superior Court of California,
County of Los Angeles
7/18/2024 10:20 AM
David W. Slayton,
Executive Officer/Clerk of Court,
By C. Perez, Deputy Clerk

Attorneys for Plaintiffs
LARSHAY LYONS, individually and on behalf of
all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, SPRING STREET COURTHOUSE

LARSHAY LYONS, an Individual, on behalf
of himself and all others similarly situated

Plaintiffs,

v.

WAVSYS SOLUTIONS LLC, a Delaware
Limited Liability Company; WAVSYS, LLC,
a Delaware Limited Liability Company;
NOVASOURCE POWER SERVICES, a
business entity form unknown, and DOES 1
through 100, Inclusive

Defendants.

CASE NO.: 22STCV35436

[Assigned for all purposes to the Honorable Kenneth
R. Freeman - SSC Dept. "14"]

CLASS ACTION

**NOTICE OF ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Action Filed: September 08, 2022
Trial Date: None Set

TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on July 16, 2024, the Hon. Kenneth R. Freeman signed an Order Granting Plaintiff's Motion for Preliminary Approval of Class Action Settlement in the above-entitled matter. A true and correct copy of the July 16, 2024 Minute order and signed Order are attached hereto.

DATED: July 16, 2024

KOKOZIAN LAW FIRM, APC

By:



Bruce Kokozyan, Esq.
Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 14

22STCV35436

LARSHAY LYONS vs WAVSYS SOLUTIONS LLC, et al.

July 16, 2024

10:00 AM

Judge: Honorable Kenneth R. Freeman

Judicial Assistant: P. Herrera

Courtroom Assistant: C. Gomez

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Bruce Kokozyan (via LACC)

For Defendant(s): Kevin Phillip Jackson (via LACC)

Other Appearance Notes: For Defendant(s): Stephen F. McAndrew (via LACC);

NATURE OF PROCEEDINGS: Hearing on Motion for Preliminary Approval of Settlement

The matter is called for hearing.

The Court has read and considered all documents in connection to the above entitled motion.

The Court and counsel confer regarding the escalator clause. Counsel represent to the Court that the escalator clause has not been triggered.

Based upon the representation of counsel, the Court rules as follows:

The Notice of Motion and Motion for Preliminary Approval of Class Action Settlement filed by Larshay Lyons on 06/17/2024 is Granted.

The Order Granting Plaintiffs Motion for Preliminary Approval of Class Action Settlement is signed and filed this date.

Hearing on Motion for Final Approval of Settlement is scheduled for 01/21/2025 at 11:00 AM in Department 14 at Spring Street Courthouse.

Later:

The Motion for Final Approval of Settlement is to be filed by **12/23/2024** and will be held at **11:00 a.m.** instead of 10:00 a.m. on 01/21/2025.

The Judicial Assistant to give notice to Counsel for Plaintiff who is ordered to give further and formal notice to all parties.

Clerk's Certificate of Service By Electronic Service is attached.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 14

22STCV35436

LARSHAY LYONS vs WAVSYS SOLUTIONS LLC, et al.

July 16, 2024

10:00 AM

Judge: Honorable Kenneth R. Freeman

Judicial Assistant: P. Herrera

Courtroom Assistant: C. Gomez

CSR: None

ERM: None

Deputy Sheriff: None

FILED

Superior Court of California
County of Los Angeles

07/16/2024

David W. Slayton, Executive Officer / Clerk of Court

By: P. Herrera Deputy

Bruce Kokozyan, Esq. (SBN 195723)
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Attorneys for Plaintiffs
LARSHAY LYONS, individually and on behalf of all others
similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

LARSHAY LYONS, an Individual, on behalf
of himself and all others similarly situated

Plaintiffs,

v.

WAVSYS SOLUTIONS LLC, a Delaware
Limited Liability Company; WAVSYS, LLC,
a Delaware Limited Liability Company;
NOVASOURCE POWER SERVICES, a
business entity form unknown, and DOES 1
through 100, Inclusive

Defendants.

CASE NO.: 22STCV35436

[Assigned for all purposes to the Honorable Kenneth
R. Freeman - SSC Dept. "14"]

CLASS ACTION

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

[Filed and served concurrently with Notice of Motion
and Motion for Preliminary Approval of Class Action
Settlement, and Declaration of Bruce Kokozyan in
Support of Plaintiff's Motion for Preliminary
Approval of Class Action Settlement]

Date: July 16, 2024

Time: 10:00 a.m.

Dept: 14

Action Filed: 11/08/2022

Trial Date: None Set

On November 8, 2022 Class Representative Larshay Lyons individually and on behalf of a class
of similarly situated individuals, filed a Class Action complaint against Defendants Wavsys, LLC,
Wavsys Solutions, LLC, and Novasource Power Holdings, Inc. (hereinafter "Defendants") pursuant to
California Labor Code ("Labor Code") and California Business & Professions Code ("B&PC") §17200

as set forth in the class action case entitled *Larshay Lyons vs Wavsys Solutions LLC, et al.* – Los Angeles Superior Court Case No. 22STCV35436 (“Action”). Plaintiff’s operative first amended complaint asserts claims against Defendants for 1. Failure To Pay Overtime Wages; 2. Failure To Pay Minimum Wages; 3. Failure To Provide Meal Periods Or Compensation In Lieu Of; 4. Failure To Provide Paid Rest Periods; 5. Failure To Timely Furnish Accurate Itemized Wage Statements; 6. Violation Of Labor Code §203; 7. Violation Of Labor Code §2802; 8. Unfair Business Practices; and 9. Penalties Pursuant To Labor Code § 2698 et seq.

Defendants deny Plaintiff’s allegations in their entirety and deny liability on all claims. On or about January 2024 the Parties reached a settlement subject to Court approval as represented in the Class Action and PAGA Settlement Agreement (“Settlement Agreement”).

NOW THEREFORE, having read and considered the Settlement Agreement and Exhibits thereto, IT IS HEREBY ORDERED:

1. This Order hereby incorporates by reference the definitions of the Settlement Agreement as though fully set forth herein, and all terms used herein shall have the same meaning as set forth in the Settlement Agreement.

2. The Court conditionally certifies and approves, for settlement purposes only, the Class as defined as follows: all non-exempt employees who working are or previously worked for Wavsys and/or one of their subsidiaries, affiliates or parents, including but not limited to Uptalent who were assigned to work at NovaSource and/or one of its subsidiaries, affiliates or parents, including but not limited to Northstar Energy and SST Construction in California and who worked during the Class Period. The Class Period means from November 8, 2018 to October 24, 2023. It shall be an opt-out class.

3. Bruce Kokozyan, Esq. of Kokozyan Law Firm, APC shall represent the Class in this Action (“Class Counsel”). Any Member of the Class may enter an appearance in the Action, at their own expense, either individually or through counsel of their own choice. However, if they do not enter an appearance, they will be represented by Class Counsel.

4. The Class Representative shall be Larshay Lyons.

5. The Court hereby preliminarily approves the proposed Settlement upon the terms, conditions, and all release language set forth in the Settlement Agreement which is **Exhibit “1”** to Bruce Kokozian declaration as part of the motion for preliminary approval. The Court finds that the Settlement (including the Plaintiff’s Class Representative Award, Class Counsel Fees Payment and Class Counsel Litigation Expenses Payment, Administration Expenses Payment, the PAGA Payments, and the allocation of payments to Class Members) appears to be within the range of reasonableness necessary for preliminary approval by the Court. It appears to the Court that the Settlement terms are fair, adequate, and reasonable as to all potential Class Members when balanced against the probable outcome of further litigation, given the risks relating to liability and damages. It further appears that extensive and costly investigation and research has been conducted such that counsel for the Parties at this time are reasonably able to evaluate their respective positions. It further appears to the Court that the Settlement at this time will avoid substantial additional costs by all parties, as well as the delay and risks that would be presented by the further prosecution of the Action. It appears that the Settlement has been reached as a result of intensive, arms-length negotiations utilizing an experienced third-party neutral.

6. The Court confirms ILYM Group, Inc. as the Settlement Administrator and preliminarily approves that an Administrator Expenses Payment up to a maximum of \$12,000 shall be paid from the Gross Settlement Amount (as that term is defined in the Settlement). Any amount awarded for costs of administration less than the amount requested, will become part of the Net Settlement Amount. The Administration Expenses Payment includes all tasks required of the Settlement Administrator as set forth in the Settlement Agreement, including the issuance of the Class Notice (“Court Approved Notice of Class Action Settlement and Hearing Date for Final Court Approval”). ILYM Group, Inc. is directed to perform all other responsibilities set forth for the Settlement Administrator in the Settlement.

7. A Final Approval Hearing (the “Hearing”) shall be held on the date as indicated in the Implementation Schedule below before the Honorable Kenneth R. Freeman in Department 14 of the Los Angeles County Superior Court, Spring Street Courthouse located at located at 312 North Spring Street, Los Angeles, CA 90012. The purpose of such Hearing will be to: (a) determine whether the

1 proposed Settlement Agreement should be approved by the Court as fair, reasonable and adequate; (b)
2 determine the reasonableness of Class Counsel's request for attorney's fees and costs; (c) the
3 reasonableness of the Class Representative Award requested for the Named Plaintiff; and (d) Order
4 entry of Judgment in the Action, which shall constitute a complete release and bar with respect to the
5 released class claims and PAGA released claims as described in the Settlement Agreement.

6 8. The Court hereby approves, as to form and content, the Class Notice which is attached as
7 **Exhibit "A"** to the Class Action and PAGA Settlement Agreement which is attached as **Exhibit "1"** to
8 Bruce Kokoian's declaration in support of preliminary approval of class action settlement. The Court
9 finds that the mailing and distribution of the Class Notice in the manner set forth in Settlement meets
10 the requirements of due process and are the best notice practicable under the circumstances and shall
11 constitute due and sufficient notice to all persons entitled thereto.

12 9. Class Members may request exclusion from the settlement by submitting a timely written
13 request to be excluded from the Class as set forth in the Settlement Agreement. In order to be valid, the
14 Request for Exclusion letter must be postmarked no later than the date indicated in the Implementation
15 Schedule below. Any Class Member who submits a valid and timely Request for Exclusion will not be
16 entitled to any portion of the Net Settlement Amount, and will not be bound by the release of released
17 class claims, or have any right to object, appeal or comment thereon. Class Members who fail to
18 submit valid and timely Requests for Exclusion shall be Settlement Class Members and shall be bound
19 by all terms of the Settlement and any Judgment. Class Members who are also PAGA Aggrieved
20 Employees, however, cannot opt out of the Release of PAGA Claims by Aggrieved Employees, and
21 will receive an Individual PAGA Payment if eligible.

22 10. Class Members who do not request exclusion may object to the Settlement and appear at the
23 Final Approval Hearing to show cause why the proposed Settlement should not be approved and to
24 present any opposition to the application of Class Counsel for Class Counsel Fees Payment and Class
25 Counsel Litigation Expenses Payment. The written objections must be postmarked no later the date
26 indicated in the Implementation Schedule below, and must be served on the Settlement Administrator.
27 Plaintiff and/or Defendants may file a response to any properly filed written objections no later than
28

five (5) days prior to the date of the Final Approval Hearing.

11. The Court hereby preliminarily approves the definition and disposition of the Gross Settlement Amount as that term is defined in the Settlement. The Gross Settlement Amount is equal to and shall not exceed \$323,000 which is inclusive of (1) Individual Class Payments to Class Members and Individual PAGA Payments to Aggrieved Employees; (2) Class Counsel Fees Payment; (3) Class Counsel Litigation Expenses Payment; (4) Administration Expenses Payment; (4) PAGA Payment of the PAGA allocation (i.e., the LWDA PAGA Payment); and (5) Class Representative Service Payment to Plaintiff. The Court preliminarily approves the above distribution of the Gross Settlement Amount, all subject to the Court's Final Approval of the Settlement. Defendant shall be required to pay only the Gross Settlement Amount plus also the employer-side share of payroll taxes.

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

a.	Deadline for Defendant to submit Class and PAGA Member to Settlement Administrator	July 30, 2024 [within 14 calendar days of preliminary approval order, assuming the order is entered on July 16, 2024]
b.	Deadline for Settlement Administrator to Mail the Notice Packets to Class Members	August 13, 2024 [14 calendar days after the Settlement Administrator's receipt of the Class List and Data]
c.	Deadline for Class Members to postmark Requests for Exclusions	October 15, 2024 , 60 calendar days after Mailing. Also an additional 14 days for Class Members whose Class Notice is re-mailed.
d.	Deadline for the postmark of any Objections to the Settlement	October 15, 2024 , 60 calendar days after Mailing . Also an additional 14 days for Class Members whose Class Notice is re-mailed.
e.	Deadline for the postmark of any dispute of the information on which their individual settlement payment was calculated	October 15, 2024 , 60 calendar days after Mailing . Also an additional 14 days for Class Members

		whose Class Notice is re-mailed)
f.	Deadline for Class Counsel to File Motion for Final Approval of Settlement Including the requested attorneys' fees and expenses including any expenses associated with the Settlement	Per Code
g.	Final Approval Hearing	FF DD CC at <u>FF</u> a.m. p.m.

13. The Court reserves the right to adjourn the date of the Final Approval Hearing without further notice to the Class Members and retains jurisdiction to consider all further applications arising out of or connected with the proposed Settlement.

14. Pending final determination as to whether the settlement contained in the Settlement Agreement should be approved, the Class Representative, whether directly, representatively, or in any other capacity, whether or not such persons have appeared in the Action, shall not institute or prosecute any claims against Defendants or the Released Parties, which have claims pled in the Action or could have been pled based on the facts alleged in the Action, including any claims related to or arising out of the allegations in the Action.

15. All further proceedings in this Action shall be stayed except such proceedings necessary to review, approve, and implement this Settlement.

16. In the event: (i) the Court does not finally approve the Settlement as contemplated by the Settlement Agreement; (ii) the Court does not grant Final Approval as contemplated by the Settlement Agreement, which becomes final as a result of the occurrence of the Effective Date (as that term is defined by in the Settlement Agreement); or (iii) the Settlement does not become final for any other reason, the Settlement shall be null and void and any order or judgment entered by this Court in furtherance of the Settlement shall be deemed as void from the beginning. In such a case, the Parties and any funds to be awarded under this Settlement shall be returned to their respective statuses as of the

1 date and time immediately prior to the execution of the Settlement, and the Parties shall proceed in all
2 respects as if the Settlement had not been executed.

3 17. Neither the Settlement, preliminarily approved or not approved, nor any exhibit,
4 document or instrument delivered hereunder, nor any statement, transaction or proceeding in
5 connection with the negotiation, execution or implementation of this Settlement, shall be admissible in
6 evidence for any purpose except as provided in the Settlement.

7
8 IT IS SO ORDERED.

9
10 Dated: 07/16/2024



A handwritten signature in black ink, appearing to read "K. Freeman", is written over a horizontal line.

Kenneth R. Freeman / Judge

The Honorable Kenneth R. Freeman
Judge of the Superior Court

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PROOF OF SERVICE

Lyons v. Wavsys Solutions LLC, et al.

LASC Case No. 22STCV35436

I, the undersigned, declare as follows:

I am over the age of 18 years and employed in the County of Los Angeles, State of California. I am employed in the office of Kokozian Law Firm, APC, and I made the service referred to below at their direction. My business address is 10940 Wilshire Blvd., Suite 1200, Los Angeles, CA 90024.

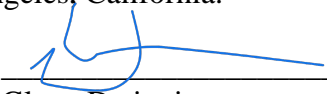
On July 18, 2024, I served true copies of **NOTICE OF ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on INTERESTED PARTIES as stated on the attached Service List.

[X] BY CASE ANYWHERE: A true and correct copy was electronically served on counsel of record on the attached service list by transmission to CASE ANYWHERE pursuant to Court Order Authorizing Electronic Service (Case Anywhere).

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on July 18, 2024, at Los Angeles, California.



Glenn Dwiggins

SERVICE LIST

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16633 Ventura Boulevard, Suite 500

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Representing:

Wavsys Solutions, LLC

Wavsys, LLC