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 8 CHRISTINA PERKINS

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 10 **COUNTY OF ALAMEDA**

12 CHRISTINA PERKINS, on behalf of herself
 13 and all others similarly situated,

14 *Plaintiff,*

15 vs.

16 TOUCHSTONE CLIMBING INC., a
 17 California Corporation; and DOES 1 through
 18 50, inclusive,
Defendants.

Case No. 23CV029864

*Assigned for all purposes to the Honorable
 Judge Patrick McKinney*

~~PROPOSED~~ ORDER

Date: September 23, 2026
 Time: 1:30 p.m.
 Place: Department 18

Complaint Filed: March 23, 2023

~~PROPOSED~~ ORDER

FILED
 Superior Court of California
 County of Alameda
 09/24/2026
 Chad Flake, Executive Officer/Clerk of the Court
 By: *P. Drummer-Williams* Deputy
 P. Drummer-Williams

1 **[PROPOSED] ORDER**

2 On September 23, 2026, this Court conducted a hearing on the Motion of Plaintiff Christina
3 Perkins (“Plaintiff”) for an order granting preliminary approval of the proposed Class Action and
4 PAGA Settlement and certifying the Settlement Class for settlement purposes only (“Motion”).
5

6 The Court, having considered the Motion, the Memorandum of Points and Authorities filed in
7 support thereof, the Class Action and PAGA Settlement Agreement (“Settlement Agreement” or
8 “Settlement”), the declarations and exhibits filed in support of the Motion, the arguments of counsel,
9 and the record in this action, and **GOOD CAUSE** appearing, **IT IS HEREBY ORDERED** that the
10 Motion for Preliminary Approval is **GRANTED**, subject to the following findings and orders:

11 1. The Court grants preliminary approval of the settlement based upon the terms set
12 forth in the Settlement Agreement. The Settlement appears to be fair, adequate, reasonable, and in
13 the best interest of the Settlement Class Members.

14 2. Provisional Certification of Settlement Class. Solely for purposes of settlement, and
15 pursuant to Code of Civil Procedure section 382, the Court provisionally certifies the following
16 Settlement Class:

17 “All current and former hourly-paid or non-exempt employees employed by Defendant
18 Touchstone Climbing Inc. in the State of California at any time during the period from March
19 23, 2019 through the date of entry of this Order (the ‘Class Period’).”
20

21 The Court further provisionally certifies, for settlement purposes only, the following PAGA
22 Group:

23 “All current and former hourly-paid or non-exempt employees employed by Defendant
24 Touchstone Climbing Inc. in the State of California at any time during the period from March
25 23, 2022 through the date of entry of this Order (the ‘PAGA Period’).”
26

27 The Court finds, for settlement purposes only and without adjudicating the merits of the
28 Actions, that: (a) the Settlement Class is so numerous that joinder of all members would be

1 impracticable, and is objectively ascertainable by reference to Defendant's records; (b) common
2 questions of law and fact predominate over any questions affecting only individual Class Members;
3 (c) the claims of the Class Representative are typical of the claims of the Settlement Class; (d) the
4 Class Representative and Class Counsel have fairly and adequately represented, and will continue to
5 fairly and adequately represent, the interests of the Settlement Class; and (e) a class action is superior
6 to other available means for the fair and efficient adjudication of this controversy. This certification
7 is for settlement purposes only. It shall not constitute, and shall not be construed or offered as, an
8 admission or concession by any party that this action is appropriate for class treatment for any purpose
9 other than settlement and shall not be admissible in this or any other proceeding for any purpose other
10 than to enforce the terms of the Settlement.
11

12 3. Appointment of Class Representative. The Court appoints Plaintiff Christina Perkins
13 as the Class Representative.

14 4. Appointment of Class Counsel. The Court appoints Setareh Law Group as Class
15 Counsel.

16 5. Appointment of Settlement Administrator. The Court appoints ILYM Group, Inc. as
17 the Settlement Administrator, with responsibility for, among other things, disseminating the Class
18 Notice, calculating and issuing settlement payments, resolving disputes regarding Workweeks, and
19 receiving and processing requests for exclusion and objections, in accordance with the Settlement
20 Agreement and this Order. The Settlement Administrator shall also establish and maintain a
21 settlement website, as referenced in the Class Notice, containing the PAGA notice, the pleadings,
22 the motion for preliminary approval and its supporting papers, the Class Notice, and a calendar of
23 relevant deadlines. The costs of settlement administration, currently estimated at \$14,000.00 absent
24 application of the Escalator Clause or further agreement of the Parties and approval of the Court, is
25 preliminarily approved, subject to final approval of the actual, reasonable costs incurred, to be
26 requested in the motion for final approval.

27 6. Preliminary Approval of Settlement. The Court preliminarily finds, for settlement
28

1 purposes only, that the Settlement Agreement is fair, adequate, and reasonable to the Settlement
2 Class and PAGA Group, was reached following serious, informed, and non-collusive arm's-length
3 negotiations facilitated by an experienced mediator, and falls within the range of possible final
4 approval, such that notice to the Settlement Class is warranted. The key financial terms of the
5 Settlement are as follows:

6 a. Gross Settlement Amount ("GSA"): \$1,000,000.00, non-reversionary, subject
7 to increase only if the Escalator Clause is triggered.

8 b. Attorneys' Fees: not to exceed one-third of the GSA (\$333,333.33), subject to
9 application and award at final approval. Ten percent (10%) of any Attorneys' Fees awarded shall be
10 held back by the Settlement Administrator until completion of the distribution process and the
11 Court's approval of a final accounting.

12 c. Litigation Costs: not to exceed \$20,000.00, subject to application and proof at
13 final approval. Class Counsel has incurred litigation costs of \$16,901.95 to date.

14 d. Settlement Administration Costs: currently estimated at \$13,750.00 and not to
15 exceed \$14,000.00 absent application of the Escalator Clause, subject to final approval.

16 e. Class Representative Service Payment: not to exceed \$5,000.00 to Plaintiff
17 Christina Perkins, subject to application and award at final approval.

18 f. PAGA Payment: \$100,000.00, of which 75% (\$75,000.00) shall be paid to the
19 Labor and Workforce Development Agency ("LWDA") and 25% (\$25,000.00) shall be distributed
20 to PAGA Group Members on a pro rata basis according to workweeks worked during the PAGA
21 Period.

22 7. Unclaimed Funds. Pursuant to the Settlement Agreement, any settlement checks that
23 remain uncashed 180 calendar days after issuance of the second and final checks shall be remitted to
24 the ~~California State Controller's Office in the name of the Participating Class Member or Aggrieved~~
25 ~~Employee pursuant to state unclaimed property law.~~

26 8. Approval of Class Notice. The Court approves, as to form and content, the proposed
27 Class Notice attached as Exhibit A to the Settlement Agreement. The Court approves the procedure
28 for Class Members to request exclusion from or to object to the Settlement as set forth in the Class

1 Notice.

2 9. The Court finds that the manner and mode of giving notice to Class Members
3 constitutes the best notice practicable under the circumstances and satisfies the requirements of due
4 process and California Rule of Court 3.769.

5 10. The Court directs the mailing of the Class Notice in accordance with the terms set
6 forth in the Settlement Agreement.

7 11. Final Approval Hearing. A hearing on final approval of the Settlement is scheduled
8 for January 20, 2027, at 1:30 p.m., in Department 18 of the above-entitled Court, to determine,
9 among other things: (a) whether the Settlement should be finally approved as fair, adequate, and
10 reasonable; (b) the amount of attorneys' fees and costs to be awarded to Class Counsel; (c) the
11 amount of the Service Payment to be paid to the Class Representative; (d) the amount of settlement
12 administration costs to be paid to the Settlement Administrator; and (e) whether Judgment should be
13 entered.

14 12. Pending the Fairness Hearing and Final Approval, all proceedings in this Action,
15 other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement
16 and this Order, are hereby stayed, subject to being lifted by further order of the Court for good cause
17 shown, and any and all deadlines are vacated except for those set forth herein.

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

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

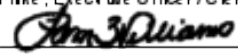
23 15. If, for any reason, the Settlement is not finally approved or does not become
24 effective, this Order Granting Preliminary Approval of Class Action and PAGA Settlement shall be
25 deemed vacated and shall have no force or effect whatsoever, and the Action shall proceed as if no
26 settlement had been attempted.

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SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA		Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612		FILED Superior Court of California County of Alameda 09/29/2026 Chad Finke, Executive Officer / Clerk of the Court By:  Deputy P. Drummer-Williams
PLAINTIFF/PETITIONER: CHRISTINA PERKINS		
DEFENDANT/RESPONDENT: TOUCHSTONE CLIMBING, INC.		
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6		CASE NUMBER: 23CV029864

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order 260916 - Perkins - Touchstone - Proposed Order entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

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Dated: 09/29/2026

Chad Finke, Executive Officer / Clerk of the Court

By:



P. Drummer-Williams, Deputy Clerk