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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SUTTER**

12 ISMAEL VILLEGAS-SANCHEZ, individually,
13 and on behalf of all other aggrieved persons,

14 *Plaintiff,*

15 v.

16 COE ORCHARD EQUIPMENT, INC., a
17 California corporation; and DOES 1 through 10,
inclusive,

18 *Defendants.*

Case No. CVCS22-0002261

CLASS ACTION

[Assigned for all purposes to: Hon. Perry
Parker, Dept. 1] *CP*

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

[Filed with the Motion; Declaration of John G.
Yslas; Declaration of Plaintiff Villegas-
Sanchez; and Proposed Order]

PRELIMINARY APPROVAL HEARING

Date: April 29, 2024

Time: 9:00 a.m.

Judge: Hon. ~~Perry Parker~~ *Susan Green*

Dept: ~~7~~ *7*

Complaint Filed: December 30, 2022

Trial Date: Not set

~~PROPOSED~~ ORDER

Having reviewed Plaintiff Ismael Villagas-Sanchez Ruiz's Motion for Preliminary Approval of Class Action Settlement ("Motion"), the Declaration of John G. Yslas, Plaintiff's declaration, and the Class Action and PAGA Settlement Agreement and Class Notice ("Settlement Agreement"), and good cause appearing, the Court finds and orders as follows:

1. The Court finds on a preliminary basis that the Settlement Agreement appears to be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval. The Court grants preliminary approval of the Settlement and the Settlement Class based on the terms set forth in the Settlement Agreement between Plaintiff and Defendant Coe Orchard Equipment, Inc.), attached to the Declaration of John G. Yslas in Support of Plaintiffs Motion for Preliminary Approval of Class Action Settlement as **Exhibit 1**.

2. The Settlement falls within the range of reasonableness of a settlement which could ultimately be given final approval by this Court, and appears to be presumptively valid, subject only to any objections that may be raised at the Final Approval Hearing and final approval by this Court. The Court notes that Defendant has agreed to create a common fund of \$450,000.00 to cover (a) settlement payments to Class Members who do not validly opt-out; (b) a \$20,000.00 allocation toward civil penalties under the Private Attorneys General Act, 75% of which (\$15,000.00) will be paid to the State of California, Labor & Workforce Development Agency and 25% of which (\$5,000.00) will be paid to eligible Aggrieved Employees; (c) Class Representative service payment of up to \$10,000 for Plaintiff Ismael Villegas-Sanchez; (d) Class Counsel's attorneys' fees, not to exceed 33 1/3% of the Gross Settlement Amount (i.e., \$150,000.00), and up to \$12,500.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to \$8,750.00.

3. The Court preliminarily finds that the terms of the Settlement appear to be within the range of possible approval, pursuant to California Code of Civil Procedure § 382 and applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair and reasonable to the Class Members when balanced against the probable outcome of further litigation relating to class certification, liability and damages issues, and potential appeals; (2)

1 significant informal discovery, investigation, research, and litigation have been conducted such
2 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
3 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
4 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as
5 the result of intensive, serious, and non-collusive negotiations between the Parties with the
6 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
7 that the Settlement Agreement was entered into in good faith.

8 4. A final fairness hearing on the question of whether the proposed Settlement,
9 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &
10 Workforce Development Agency for its share of the settlement of claims for penalties under the
11 Private Attorneys General Act, and the class representatives' enhancement awards should be
12 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set
13 in accordance with the Implementation Schedule set forth below.

14 5. The Court provisionally certifies for settlement purposes only the following class
15 (the "Class"): "all non-exempt, hourly employees who have, or continue to, work for Defendant
16 in California from July 5, 2018, up to the date a signed order preliminarily approving the class
17 settlement is signed."

18 6. "Class Period" means the time period from July 5, 2018, through preliminary
19 approval.

20 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
21 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
22 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
23 of law and fact that are common, or of general interest, to all Settlement Class Members, which
24 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the
25 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
26 the interests of the Settlement Class Members; and (5) a class action is superior to other
27 available methods for the fair and efficient adjudication of the controversy.

28 8. The Court appoints as Class Representative, for settlement purposes only,

1 Plaintiff Ismael Villegas-Sanchez. The Court further preliminarily approves Plaintiff's ability
2 to request an incentive award up to \$10,000.00.

3 9. The Court appoints, for settlement purposes only, John G. Yslas, Jeffrey C. Bills,
4 Aram Boyadjian, Andrew Sandoval of Wilshire Law Firm, PLC, as Class Counsel. The Court
5 further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-
6 third of the Total Settlement Amount (i.e., \$150,000), and costs not to exceed \$12,500.00.

7 10. The Court appoints ILYM Group, Inc. as the Settlement Administrator with
8 reasonable administration costs estimated not to exceed \$8,750.00 except for a showing of good
9 cause and as approved by the Court.

10 11. The Court approves, as to form and content, the Class Notice, attached to the
11 Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the Notice
12 to Settlement Class Members satisfies due process, provides the best notice practicable under the
13 circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

14 12. The Parties are ordered to carry out the Settlement according to the terms of the
15 Settlement Agreement.

16 13. Any Class Member who does not timely and validly request exclusion from the
17 Settlement may object to the Settlement Agreement.

18 14. The Court orders the following Implementation Schedule:

19 Defendant to provide Class List to the 20 Settlement Administrator	May 14, 2024
21 Settlement Administrator to mail the Notice 22 Packets	May 28, 2024
23 Class Member Response Deadline	July 29, 2024
24 Class Member Deadline to Object	July 29, 2024
25 Deadline for Administrator to Submit Report	August 8, 2024
26 Deadline to file Motion for Final Approval, 27 Request for Attorney's Fees and Costs, and	August 15, 2024

15. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

DATE:

Franklin

Hon. ~~Parry Parker~~ Susan E. Green
Sutter County Superior Court