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10 Attorneys for Named Plaintiffs and the proposed class

11  
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **FOR THE COUNTY OF LOS ANGELES - SPRING STREET COURTHOUSE**

14 JOSE MARIO CASTRO and BRETH  
15 ALEXANDER PONCE, as individuals, on  
behalf of themselves and proposed class  
16 members,

17 **PLAINTIFFS,**

18 v.

19 SOLA RENTALS, INC.; MARTIN MUOTO;  
and DOES 1 thru 50, inclusive,

20 **DEFENDANTS.**

CASE NO. 19STCV02041

[Case Assigned for All Purposes to Hon. Elihu  
M. Berle in Dept. SS-6]

**[PROPOSED] REVISED ORDER  
GRANTING PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT**

Date: November 10, 2020

Time: 8:30 a.m.

Dept.: SS-6

Complaint Filed: January 25, 2020

FAC Filed: April 5, 2019

Trial Date: None Set

**CONFORMED COPY  
ORIGINAL FILED**  
Superior Court of California  
County of Los Angeles

**NOV 10 2020**

Sherri R. Carter, Executive Officer/Clerk  
By Marisela Fregoso, Deputy

**RECEIVED**  
LOS ANGELES SUPERIOR COURT

**NOV 02 2020**

**S. DREW**

1 The Motion for Preliminary Approval of the Class Settlement came before this Court, the  
2 Honorable Elihu M. Berle, presiding. The Court, having considered the papers submitted in  
3 support of Plaintiff's Motion for Preliminary Approval, **HEREBY ORDERS THE**  
4 **FOLLOWING:**

5 1. The Court grants preliminary approval of the proposed settlement based upon the  
6 terms set forth in the Joint Stipulation of Settlement and Release ("Settlement Agreement" or  
7 "Settlement") filed herewith. The Settlement appears to be fair, adequate, and reasonable to the  
8 Class.

9 2. For purposes of this Order, the proposed settlement class is defined as follows:

10 "All individuals hired as independent contractors to be laborers or  
11 maintenance workers, or similar titles, for SOLA RENTALS, INC.  
12 in the State of California who worked more than one pay period  
13 since four (4) years prior to the filing of this action to the present."  
14 ("Class Members" or "Class")

15 3. The Class Period is January 25, 2015 through June 1, 2020.

16 4. The Settlement falls within the range of reasonableness and appears to be  
17 presumptively valid, subject only to any objections that may be raised at the final fairness hearing  
18 and final approval by this Court.

19 5. A final fairness hearing on the question of whether the proposed Settlement,  
20 attorneys' fees and costs to Class Counsel, the PAGA payment, and the claims administration costs  
21 should be finally approved as fair, adequate, and reasonable as to the members of the Class is  
22 scheduled for March 11, 2021 at 9:00 a.m. (Pacific Time), in Department SS-6.

23 6. The Court approves, as to form and content, the Notice Packet to Class Members  
24 in substantially the form attached to the Settlement Agreement as Exhibits "1" and "2"  
25 respectively. The Court approves the procedure for Class Members to opt out and object to the  
26 Settlement as set forth in the Settlement Agreement and the Notice Packet.

27 7. The Court directs the mailing of the Notice Packet and related documents to Class  
28 Members by first class mail in accordance with the Settlement Agreement and the Implementation  
Schedule set forth below. The Court finds that the dates selected for the mailing and distribution  
of the Notice Packet, as set forth in the following Implementation Schedule, meet the requirements

1 of due process and provide the best notice practicable under the circumstances and shall constitute  
2 due and sufficient notice to all persons entitled thereto.

3 8. It is ordered that the Class is preliminarily certified for settlement purposes only.

4 9. The Court confirms KINGSLEY & KINGSLEY, APC and CHAMI LAW, PC as  
5 Class Counsel.

6 10. The Court confirms JOSE MARIO CASTRO and BRETH ALEXANDER PONCE  
7 as Named Plaintiffs.

8 11. The Court approves JND Legal Administration Co. as the Claims Administrator.

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

10

11 a.	Preliminary Approval Granted	
12 b.	Deadline for Defendants to Provide Class Members' Information to Claims Administrator	November 24, 2020
13 c.	Claims Administrator Shall Mail Notice Packet to Class Members	December 10, 2020
14 d.	Deadline for Postmark of Any Request for Exclusion	February 10, 2021
15 e.	Deadline for Postmark of Any Objection	February 10, 2021
16 f.	Deadline to Dispute Workweeks	February 10, 2021
17 g.	Deadline to Respond to Any Objection	February 26, 2021
18 h.	Deadline for Claims Administrators to submit Report and any Objections to Court	February 26, 2021
19 i.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	January 11, 2021
20 j.	Deadline for Class Counsel to file Motion for Attorneys' Fees	January 11, 2021
21 k.	Final Approval Hearing	March 11, 2021 at 9:00 am

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28 13. The Court expressly reserves the right to adjourn or continue the Final Fairness

1 Hearing from time to time without further notice to members of the Class.

2 IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final  
3 Approval and Judgment, or if the Effective Date of Settlement, as defined in the Stipulation of  
4 Settlement, does not occur for any reason, the Settlement Agreement and the proposed Settlement  
5 that is the subject of this Order, and all evidence and proceedings had in connection therewith,  
6 shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more  
7 specifically set forth in the Stipulation of Settlement.

8 IT IS FURTHER ORDERED that, pending further Order of this Court, all proceedings in  
9 this matter except those contemplated herein and in the Settlement are hereby stayed.

10  
11 **NOV 10 2020**

12 DATED: \_\_\_\_\_

**ELIHU M. BERLE**

13 \_\_\_\_\_  
14 JUDGE OF THE SUPERIOR COURT  
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1 (PROOF OF SERVICE)  
2 [CCP 1013(a)(3)]  
3 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18  
5 years and not a party to the within action. My business address is 16133 Ventura Boulevard, Suite  
6 1200, Encino, California 91436.

7 On November 2, 2020, I served all interested parties in this action the following documents  
8 described as [PROPOSED] REVISED ORDER GRANTING PRELIMINARY APPROVAL  
9 OF CLASS ACTION SETTLEMENT by placing [ ] (the original) [X] (a true copy thereof) in a  
10 sealed envelope addressed as stated on the attached service list:

11 **SHOOK, HARDY & BACON LLP**

12 Michael L. Mallow  
13 Mark D. Campbell  
14 2049 Century Park East, Suite 3000  
15 Los Angeles, CA 90064-50966  
16 mmallow@shb.com  
17 mdcampbell@shb.com

18 **POUYA B. CHAMI**  
19 **CHAMI LAW, PC**  
20 11845 W Olympic Blvd., Suite 1000  
21 Los Angeles, CA 90064-5066  
22 pchami@chamilaw.com

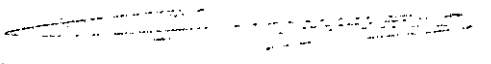
23 [ ] (BY MAIL) I am "readily familiar" with the firm's practice of collection and processing  
24 correspondence for mailing. Under that practice it would be deposited with U.S. postal  
25 service on that same day with postage fully prepaid at Encino, California in the ordinary  
26 course of business. I am aware that on motion of the party served, service is presumed  
27 invalid if postal cancellation date or postage meter date is more than one day after date of  
28 deposit for mailing in affidavit.

[XX] BY ELECTRONIC MAIL THROUGH CASE ANYWHERE: On interested parties set  
forth on the attached service list.

[XX] BY ELECTRONIC SERVICE: I caused a true and correct copy thereof to be  
electronically filed using the Labor and Workforce Development Agency Electronic Filing  
("EF") System (<https://dir.tfaforms.net/271>) and service was completed by electronic means  
by transmittal of the documents referenced herein on the EF System.

[XX] (STATE) I declare under penalty of perjury under the laws of the State of California that  
the above is true and correct.

Executed on November 2, 2020, at Woodland Hills, California.

  
Michelle A. Tanzer