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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF ORANGE**

17 RAFAEL PEREZ, as an individual and on
18 behalf of all others similarly situated,

19 Plaintiff,

20 vs.

21 KYOCERA SGS PRECISION TOOLS, INC.,
22 an Ohio corporation; and DOES 1 through
23 100,

24 Defendants.

CASE NO. 30-2022-01299232-CU-OE-CXC

*[Assigned for all purposes to the Hon.
Randall J. Sherman, Dept. CX105]*

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

Date: May 3, 2024

Time: 10:00 a.m.

Dept.: CX105

Action Filed: December 29, 2022

Trial Date: None Set

1 **AMENDED [PROPOSED] ORDER**

2 The Motion of Plaintiff Rafael Perez (“Plaintiff”) for Preliminary Approval of Class
3 Action Settlement came regularly for hearing before this court on May 3, 2024, at 10:00 a.m. The
4 Court, having considered the proposed Stipulation of Settlement, attached as Exhibit 1 to the
5 September 27, 2023 Declaration of Matthew K. Moen (ROA #50); having considered the
6 proposed Amendment to Stipulation of Settlement (collectively with the Stipulation of
7 Settlement, the “Settlement Agreement” or “Settlement”), attached as Exhibit 1 to the
8 Supplemental Declaration of Matthew K. Moen filed in Support of Motion for Preliminary
9 Approval of Class Action Settlement; having considered Plaintiff’s Motion for Preliminary
10 Approval of Class Action Settlement, the memorandum of points and authorities in support
11 thereof, and supporting declarations filed therewith; having considered Plaintiff’s Supplemental
12 Brief in Support of Motion for Preliminary Approval of Class Action Settlement; and good cause
13 appearing, HEREBY ORDERS THE FOLLOWING:

14 1. The Court GRANTS preliminary approval of the class action settlement as set
15 forth in the Settlement Agreement, and finds its terms to be within the range of reasonableness of
16 a settlement that ultimately could be granted approval by the Court at a Final Approval Hearing.

17 2. The Court preliminarily approves the terms of the Settlement Agreement and finds
18 that they fall within the range of approval as fair, adequate and reasonable. Based on a review of
19 the papers submitted by Plaintiff, the Court finds that it appears the Settlement is the result of
20 arms’-length negotiations conducted after Plaintiff and/or Plaintiff’s counsel adequately
21 investigated the claims and became familiar with the strengths and weaknesses of the claims. The
22 assistance of an experienced mediator in the settlement process supports the Court’s conclusion
23 that the Settlement appears to be non-collusive and reasonable. The Settlement is presumptively
24 valid, subject to any objections that may be raised pursuant to the terms of the Settlement
25 Agreement.

26 3. For purposes of the Settlement, the Court finds that the proposed Settlement Class
27 is ascertainable and that there is a sufficiently well-defined community of interest among the
28

1 members of the Settlement Class in questions of law and fact. Therefore, for settlement purposes
2 only, the Court grants conditional certification of the following Settlement Class:

3 All persons who were employed by Defendant Kyocera SGS Precision Tools, Inc.
4 (“Defendant”) or its predecessor Kyocera Precision Tool, Inc. in California and
5 were classified as non-exempt at any time from December 29, 2018, through
August 17, 2023 (“Class Period”).

6 4. For purposes of the Settlement, the Court designates named Plaintiff Rafael Perez
7 as Class Representative, and designates Paul K. Haines, Fletcher W. Schmidt, Matthew K. Moen,
8 and Susan J. Perez of Haines Law Group, APC as Class Counsel.

9 5. The Court designates CPT Group Inc. as the third-party Settlement Administrator
10 for mailing notices.

11 6. The Court approves, as to form and content, the Notice of Class and Representative
12 Action Settlement, the Notice of Individual Settlement Payment and Individual PAGA Payment,
13 and the Request for Exclusion Form (collectively, the “Notice Packet”) attached as Exhibit 2 to
14 the September 27, 2023 Declaration of Matthew K. Moen (ROA #50).

15 7. The Court finds that the form of notice to the Settlement Class regarding the
16 pendency of the action and of the Settlement, and the methods of giving notice to Settlement Class
17 members, constitute the best notice practicable under the circumstances, and constitute valid, due,
18 and sufficient notice to all Settlement Class members. The form and method of giving notice
19 complies fully with the requirements of California Code of Civil Procedure section 382, California
20 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other
21 applicable law.

22 8. The Court further approves the procedures for Settlement Class members to opt-
23 out of or object to the Settlement, as set forth in the Notice Packet and the Settlement Agreement.

24 9. The procedures and requirements for submitting objections in connection with the
25 Final Approval Hearing are intended to ensure the efficient administration of justice and the
26 orderly presentation of any Settlement Class member’s objection to the Settlement, in accordance
27 with the due process rights of all Settlement Class members.

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1 10. The Court directs the Settlement Administrator to mail the Notice Packet to the
2 Settlement Class members in English and Spanish, in accordance with the terms of the Settlement.

3 11. The Class Notice shall provide at least 45 calendar days’ notice for Settlement
4 Class members to submit disputes, opt-out of, or object to the Settlement.

5 12. The Final Approval Hearing on the question of whether the Settlement Agreement
6 should be finally approved as fair, reasonable and adequate is scheduled on August 23, 2024, at
7 10:00 a.m. in Department CX105 of this Court, located at 751 W Santa Ana Blvd, Santa Ana,
8 California 92701. The Court reserves the right to continue the date of the Final Approval Hearing
9 without further notice to the Settlement Class members. The Court retains jurisdiction to consider
10 all further applications arising out of or in connection with the Settlement Agreement.

11 13. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement
12 Agreement should be approved as fair, reasonable, and adequate for the Settlement Class; (b)
13 whether a judgment granting final approval of the Settlement should be entered; and (c) whether
14 Plaintiff’s application for an enhancement payment, settlement administration costs, payment to
15 the California Labor and Workforce Development Agency (“LWDA”) for its 75% share of civil
16 penalties under the Private Attorneys General Act (“PAGA”), Labor Code section 2698 *et seq.*,
17 and Class Counsel’s attorneys’ fees and costs should be granted.

18 14. Plaintiff’s Counsel shall file memoranda, declarations, or other statements and
19 materials in support of the request for final approval of the Settlement and Plaintiff’s application
20 for an enhancement payment, settlement administration costs, payment to the LWDA for its share
21 of PAGA penalties, and Class Counsel’s attorneys’ fees and costs prior to the Final Approval
22 Hearing according to the time limits set by the Code of Civil Procedure and the California Rules
23 of Court.

24 15. An implementation schedule is provided below (assuming the Court grants
25 preliminary approval of the Settlement on May 3, 2024):

Event	Date
Defendant to provide class contact information to Settlement Administrator no later than:	May 17, 2024

1 2	Settlement Administrator to mail the Notice Packet to the Settlement Class Members no later than:	June 3, 2024
3 4	Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	July 18, 2024
5 6	Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	At least 16 court days prior to Final Approval Hearing
7 8	Final Approval Hearing	<input type="checkbox"/> August 23, 2024 at 10:00 a.m. <input type="checkbox"/> _____
9 10	Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	At least 16 days prior to Final Report Hearing
11 12	Final Report Hearing	<input type="checkbox"/> July 11, 2025 at 10:00 a.m. <input type="checkbox"/> _____

13 16. Pending the Final Approval Hearing, all proceedings in this action, other than
14 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
15 Order, are stayed.

16 17. Counsel for the parties are hereby authorized to utilize all reasonable procedures
17 in connection with the administration of the Settlement which are not materially inconsistent with
18 either this Order or the terms of the Settlement.

19 18. In the event the Settlement is not finally approved, or otherwise does not become
20 effective in accordance with the terms of the Settlement, this Order shall be rendered null and
21 void and shall be vacated, and the parties shall revert to their respective positions as of before
22 entering into the Settlement.

23 **IT IS SO ORDERED.**

24 Dated: _____

25 _____
26 Honorable Randall J. Sherman
27 Judge of the Superior Court
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