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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO  
UNLIMITED CIVIL JURISDICTION**

16 JOSE GONZALEZ, DAVID LU, REQUIBA  
17 HERNDON-ALLEN, DAVID DANIEL, AND  
18 MARTIN BERMUDEZ, on behalf of  
19 themselves and all those similarly situated,

Plaintiffs,

v.

21 BANK OF THE WEST,

Defendant.

Case No. 23CV001422

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION AND PAGA SETTLEMENT**

Judge: Hon. Jill Talley  
DEPT.: 23  
Date Action Filed: May 9, 2023

**FILED**  
Superior Court of California  
County of Sacramento  
**04/25/2024**  
T. Shaddix, Deputy

1 Plaintiffs' Unopposed Motion for Preliminary Approval of the Class Action and PAGA  
2 Settlement came before the Court. The Court has considered the Amended Class Action and  
3 PAGA Settlement Agreement (the "Settlement"), the submissions of Plaintiffs' counsel, and all  
4 other papers filed in this action. The matter having been submitted and good cause appearing  
5 therefor, the Court finds as follows:

6 1. All defined terms contained herein shall have the same meanings as set  
7 forth in the Settlement executed by the Parties and filed with this Court;

8 2. The Parties, through their counsel of record in the litigation, have reached  
9 an agreement to settle all claims in the litigation;

10 3. The Court conditionally finds that, for the purposes of approving this  
11 Settlement only, the Class meets the requirements for certification under section 382 of the  
12 California Code of Civil Procedure: (a) the Class is ascertainable and so numerous that joinder  
13 of all Class Members is impracticable; (b) for purposes of effectuating this settlement, there are  
14 questions of law or fact common to the Class Members, and there is a well-defined community  
15 of interest among the Class Members with respect to the subject matter of the litigation; (c) the  
16 claims of Class Representatives are typical of the claims of the Class Members; (d) the Class  
17 Representatives have and will fairly and adequately protect the interests of the Class Members;  
18 (e) for purposes of effectuating this Settlement, a class action is superior to other available  
19 methods for an efficient adjudication of this controversy; and (f) the counsel of record for the  
20 Class Representatives is qualified to serve as Class Counsel for the Class Representatives in their  
21 own capacity as well as their representative capacity and for the Class Members;

22 4. Plaintiffs also have presented to the Court for review the Settlement. The  
23 Settlement is within the range of reasonableness and meets the requirements for preliminary  
24 approval; and

25 5. Plaintiffs have also presented to the Court for review a plan to provide  
26 notice to the Class Members of the terms of the Settlement and the options facing the Class  
27

1 Members including, *inter alia*, to opt out of the class action; to be represented by counsel of their  
2 choosing; to object to the Settlement; and/or to remain in the Settlement Class. The Notice  
3 Packet will be mailed to all Class Members at their Last Known Addresses with provisions for  
4 address verification. The notice plan proposed by the Settling Parties is the best practical under  
5 the circumstances.

6 Good cause appearing therefor,

7 IT IS HEREBY ORDERED that:

8 1. Pursuant to California Rule of Court 3.769(d), the Settlement is  
9 preliminarily approved and the Class is provisionally certified;

10 2. Notice of the proposed Settlement and the rights of Class Members,  
11 including the right to opt out of the Settlement, shall be given by mailing of the Notice Packet to  
12 Class Members by first class, postage prepaid, to all Class Members pursuant to the applicable  
13 provisions in the Settlement. BOTW shall provide the Claims Administrator with the  
14 information necessary to conduct this mailing as set forth in the Settlement Agreement;

15 3. A hearing shall be held before this Court on August 16, 2024 at 9:00 a.m.  
16 to consider whether the settlement should be given final approval by the Court:

17 (a) Written objections by Class Members to the proposed Settlement will be  
18 considered if received by the Claims Administrator postmarked on or before the Notice  
19 Response Deadline;

20 (b) At the final approval hearing, Class Members may be heard orally in  
21 support of or in opposition to the Settlement;

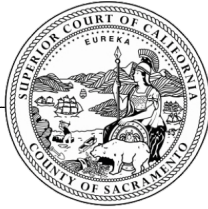
22 (c) Class Counsel and counsel for BOTW should be prepared at the hearing to  
23 respond to objections timely and properly submitted by Class Members and to provide other  
24 information, as appropriate, bearing on whether or not the Settlement should be approved; and  
25  
26  
27

1 (d) At the final approval hearing, the Court shall consider any motions or  
2 applications for attorney fees, costs and litigation expenses consistent with the Settlement  
3 Agreement.

4 4. In the event that the Effective Date occurs, all Settlement Class Members  
5 will be deemed to have forever released and discharged the Released Claims. In the event that  
6 the Effective Date does not occur for any reason whatsoever, the Settlement Agreement shall be  
7 deemed null and void and shall have no effect whatsoever.

8 IT IS SO ORDERED.

9  
10 DATED: 04/25/2024



*Jill Talley*

Judge of the Superior Court

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