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

11
12 TOMMY CARRILLO, individually, and on
13 behalf of others similarly situated, and as an
aggrieved employee and Private Attorney
General,

14 Plaintiff,

15 vs.

16 WEARTECH INTERNATIONAL, INC., a
17 California corporation; THE LINCOLN
18 ELECTRIC COMPANY, an Ohio
19 corporation; LINCOLN ELECTRIC
HOLDINGS, INC., an Ohio Corporation; and
DOES 1 through 50, inclusive,

20 Defendants.
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 26 2022

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

Case No.: 30-2020-01151333-CU-OE-CXC

[Assigned for all purposes to the Hon. Peter J.
Wilson, Dept. CX102]

**ORDER GRANTING MOTION FOR
PRELIMINARY APPROVAL OF CLASS
SETTLEMENT**

Date: April 14, 2022
Time: 2:00 p.m.
Dept: CX-102

1
2 **ORDER**

3 The Motion of Plaintiff Tommy Carrillo (“Plaintiff”) for Preliminary Approval of Class
4 Action Settlement (“Motion”) came regularly for hearing before this Court on April 14, 2022.
5 The Court, having considered the proposed Joint Stipulation and Settlement Agreement and
6 Amendments thereto attached here as Exhibit A (“Settlement Agreement” or “Settlement”);
7 having considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement,
8 memorandum of points and authorities in support thereof, and supporting declaration filed
9 therewith and supplemental declaration provided to the Court; and good cause appearing,
10 **HEREBY ORDERS THE FOLLOWING:**

11 1. The Court GRANTS preliminary approval of the class action settlement as set
12 forth in the Settlement Agreement and finds its terms to be within the range of reasonableness of
13 a settlement that ultimately could be granted approval by the Court at a Final Fairness hearing.
14 All terms used herein shall have the same meaning as defined in the Settlement Agreement. For
15 purposes of the Settlement only, the Court finds that the proposed Class is ascertainable and that
16 there is a sufficiently well-defined community of interest among the members of the Class in
17 questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional
18 certification of the following settlement Class:

19 All individuals employed in hourly or non-exempt positions by Defendant
20 Weartech International, Inc. in California at any time from July 27, 2016, through
21 the date of preliminary approval of the Settlement.

22 2. Hourly-paid or non-exempt employees who worked for Defendant in the State of
23 California at any time between July 27, 2019, and the date of preliminary approval of the Settlement
24 shall also be considered “PAGA Members.”

25 3. For purposes of the Settlement only, the Court designates Plaintiff Tommy
26 Carrillo as Class Representative, and designates Protection Law Group, LLP as Class Counsel.

27 4. The Court designates ILYM Group, Inc. as the third-party Settlement
28 Administrator.

1 5. The Parties are ordered to implement the Settlement according to the terms of the
2 Settlement Agreement.

3 6. The Court approves, as to form and content, the proposed Class Notice, Objection
4 Form, and Request for Exclusion Form attached hereto as Exhibit B and the translated version of
5 the Notice Packet attached hereto as Exhibit C.

6 7. The Court finds that the form of notice to the Class regarding the pendency of the
7 action and of the Settlement, the dates selected for mailing and distribution, and the methods of
8 giving notice to members of the Class, satisfy the requirements of due process, constitute the best
9 notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all
10 members of the Class.

11 8. The Court further approves the procedures for Class Members to opt-out of or
12 object to the Settlement, as set forth in the Class Notice and the Settlement Agreement and the
13 process for submitting workweeks disputes.

14 9. The Court directs the Settlement Administrator to mail the Class Notice to the
15 members of the Class in accordance with the terms of the Settlement.

16 10. The Class Notice shall provide 60 calendar days' notice for Class Members to
17 submit disputes, opt-out of, or object to the Settlement or 75 days in the event the Notice Packet
18 is re-mailed.

19 11. The hearing on Plaintiff's Motion for Final Approval of Settlement on the
20 question of whether the Settlement should be finally approved as fair, reasonable, and adequate
21 is scheduled in Department CX-102 of this Court, located at 751 West Santa Ana Boulevard,
22 Santa Ana, California 92701, on August 25, 2022, at 2:00 p.m.

23 12. At the Final Fairness hearing, the Court will consider: (a) whether the Settlement
24 should be approved as fair, reasonable, and adequate for the Class; (b) whether a judgment
25 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's
26 application for an incentive payment, settlement administration costs, and Class Counsel's
27 attorney's fees and costs, should be granted.

1 13. Counsel for the parties shall file memoranda, declarations, or other statements and
2 materials in support of their request for final approval of Plaintiff's application for an incentive
3 payment, settlement administration costs, Class Counsel's attorneys' fees and costs, prior to the
4 hearing on Plaintiff's Motion for Final Approval of Settlement according to the time limits set by
5 the Code of Civil Procedure and the California Rules of Court.

6 14. An implementation schedule is below:

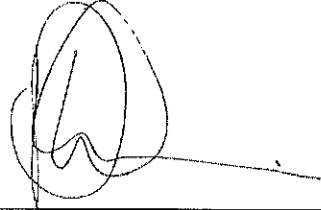
Event	Date
Defendant to provide class contact information to Settlement Administrator no later than:	April 28, 2022 [14 days following preliminary approval]
Settlement Administrator to mail the Class Notice to the Class no later than:	May 12, 2022 [14 days following provision of contact information]
Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement:	July 11, 2022 or 15 days thereafter in the event of re-mailings [60 calendar days after mailing of the Class Notice]
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	August 3, 2022 [16 court days before the Final Approval Hearing]
Hearing on Motion for Final Approval of Settlement	August 25, 2022

7 15. Pending the Final Fairness hearing, all proceedings in this action, other than
8 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
9 Order, are stayed. To facilitate administration of the Settlement pending final approval, the Court
10 hereby enjoins Plaintiff from filing or prosecuting any claims, or suits regarding claims released
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1 by the Settlement, unless and until such Class Members have filed valid Requests for Exclusion
2 with the Settlement Administrator.

3 **IT IS SO ORDERED.**

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5 DATED: April 26, 2022
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A handwritten signature in black ink, appearing to read "Peter J. Wilson", is written over a horizontal line. The signature is cursive and somewhat stylized.

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8 The Hon. Peter J. Wilson
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