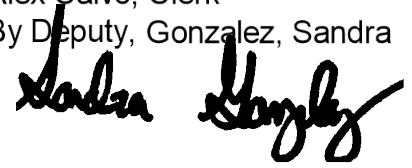


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Electronically Filed
Superior Court of California
County of Santa Cruz
April 26, 2022
Alex Calvo, Clerk
By Deputy, Gonzalez, Sandra



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10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SANTA CRUZ**

13 EDGAR GUTIERREZ, individually, and on
14 behalf of other members of the general
public similarly situated;

15 Plaintiff,

16 vs.

17 ZERO MOTORCYCLES INC., an unknown
18 business entity; and DOES 1 through 100,
inclusive,

19 Defendants.

Case No. 19-CV-03725
Hon. Timothy Volkmann / Dept. 5

CLASS ACTION

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

Preliminary Approval Hearing:

Date: April 19, 2022
Time: 8:30 a.m.
CrtRm. 5

Complaint Filed: December 16, 2019

1 **WHEREAS**, this matter came on for hearing on _____, 2022, at _____ a.m./p.m.,
2 before the Honorable Timothy Volkmann in Courtroom 5 of the above-entitled Superior Court of
3 California, County of Santa Cruz, located at 701 Ocean Street, Santa Cruz, California 95060, upon
4 application of Plaintiff Edgar Gutierrez (“Plaintiff”) for preliminary approval of the proposed
5 Class Action And PAGA Settlement Agreement And Stipulation (“Settlement” or “Settlement
6 Agreement”) attached as Exhibit “1” to the Declaration of Jennifer L. Connor filed concurrently
7 with the Motion, and having considered Plaintiff’s Motion For Preliminary Approval Of Class
8 Action Settlement, memorandum of points and authorities in support thereof, and supporting
9 declarations and exhibits filed therewith; and good cause appearing,

10 **WHEREAS**, defined terms contained herein have the same meanings as set forth in the
11 Settlement,

12 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that:

13 1. The Court preliminarily and conditionally certifies the following Class for purposes
14 of settlement which is comprised of: “All current and former hourly-paid or non-exempt
15 employees who worked for Defendant Zero Motorcycles, Inc. within the State of California at any
16 time during the Class Period.” *See*, (Settlement Agreement ¶ A.2.) Further, the “Class Period” is
17 defined as the time period between December 16, 2015 and ending on June 13, 2021. (Settlement
18 Agreement ¶ A.4.) Participating Class Members include all those who do not properly and timely
19 opt out/request exclusion from the Settlement.

20 2. The Court preliminarily approves the Gross Settlement Amount of \$425,000;

21 3. The Court preliminarily approves named Plaintiff, Edgar Gutierrez, as Class
22 Representative for the purposes of settlement;

23 4. The Court preliminarily appoints Lawyers *for* Justice, PC and CounselOne, PC as
24 Class Counsel for purposes of settlement;

25 5. The Court preliminarily approves the application for payment to Class Counsel of
26 reasonable attorneys’ fees of up to 35% of the Gross Settlement Amount (*i.e.*, \$148,750) and
27 reasonable costs in an amount not to exceed \$20,000;

28 6. The Court preliminarily approves the payment of an enhancement award in the

1 amount of \$7,5000 to named Plaintiff/Class Representative;

2 7. The Court preliminarily approves the settlement administration services to be
3 provided by Atticus Administration, LLC, and the costs of distribution of notice and settlement
4 administration estimated at \$12,000;

5 8. The Court preliminarily approves a PAGA Payment of \$40,000 – of which 75%
6 (or, \$30,000) – will be allocated to the LWDA for civil penalties pursuant to statute and 25% (or,
7 \$10,000) will be allocated to all Class Members/aggrieved employees during the PAGA Period,
8 which is April 26, 2020 through June 13, 2021;

9 9. The Court preliminarily approves as to form and content the [Proposed] Notice Of
10 Class Action And PAGA Settlement (“Class Notice”), which is attached at internal exhibit “1” to
11 the Settlement Agreement, attached to the Declaration of Jennifer L. Connor, along with the
12 estimate of individualized Settlement Award/Share Form (collectively, “Notice Packets”), to be
13 sent to Class Members;

14 10. The Court directs Defendant to provide, no later than fifteen (15) calendar days
15 after entry of the Order granting preliminary approval, to the Settlement Administrator the
16 following information about each Class Member (“Class List”): (1) Class Member’s full name; (2)
17 last known mailing address; (3) last known telephone number; (4) social security number; and (5)
18 start and end dates of employment in an hourly-paid or non-exempt position at any of Defendant’s
19 locations in California during the Class Period;

20 11. The Court further directs that within thirty (30) calendar days after entry of the
21 Order granting preliminary approval, the Settlement Administrator will mail via regular First-Class
22 U.S. Mail the Notice Packets to all Class Members;

23 12. The Court orders that any and all submissions of Opt-Outs/Requests For Exclusion,
24 Objections, Settlement Award disputes, and/or notices of intent to appear at the Final Approval
25 Hearing be postmarked, and, where applicable, filed with the Court and served on counsel for the
26 Parties, no later than forty-five (45) days after the date of mailing of the Notice Packets; and

27 13. A Final Approval Hearing on the question of whether the proposed class settlement
28 should be finally approved as fair, reasonable, and adequate as to the members of the proposed

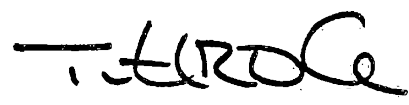
1 settlement class is hereby scheduled in this Courtroom #5 for July 26, 2022

8:30am a.m./p.m.

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IT IS SO ORDERED.

Dated: 4/26/2022 1:49:30 PM



Hon. Timothy Volkmann
Judge of the Superior Court