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14 Collective, Aggrieved Employees, and  
State of California

15 **SUPERIOR COURT OF CALIFORNIA**  
16 **COUNTY OF ALAMEDA**

17 EDGAR DIAZ and JOE TRIGO, individually  
and on behalf of all others similarly situated,

18 Plaintiffs,

19 vs.

20 TAK COMMUNICATIONS CA, INC.; TAK  
21 COMMUNICATIONS, INC.; and DOES 1-25,  
inclusive,

22 Defendants.  
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Case No: RG20064706

CLASS ACTION

*Assigned for All Purposes to Judge Winifred  
Smith, Dept. 21*

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
AND COLLECTIVE ACTION  
SETTLEMENT, CERTIFICATION OF  
SETTLEMENT CLASS, APPROVAL OF  
NOTICE OF SETTLEMENT, AND  
SETTING OF HEARING FOR FINAL  
APPROVAL**

Date: December 11, 2020

Time: 10:00 a.m.

Reservation Number: R-2220979

Date Action Filed: June 12, 2020



1           6.       It is ordered that the Settlement Class is preliminarily certified for settlement  
2 purposes only.

3           7.       It is ordered that the Settlement Collective is preliminarily certified for settlement  
4 purposes only.

5           8.       The Court preliminarily confirms Plaintiffs Edgar Diaz and Joe Trigo as Class  
6 Representatives, and Schneider Wallace Cottrell Konecky LLP and Berger Montague PC as Class  
7 Counsel.

8           9.       The Court confirms Heffler Claims Group as the Settlement Administrator.

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

10 Preliminary Approval Granted	TBD
11 Class list provided to Settlement Administrator by Defendants	Ten (10) business days after preliminary approval of the Settlement is granted
12 Deadline for Settlement Administrator to mail and email the Notice	Ten (10) business days after the Settlement Administrator receives the Class List
13 “Notice Deadline:” Deadline to opt-out/object and/or to dispute the number of workweeks worked	Sixty (60) days after the Settlement Notice is initially mailed to the Settlement Class.
15 Settlement Administrator will provide a declaration of due diligence and proof of mailing with regard to the mailing of the Notice to counsel of all Parties	Ten (10) business days after the Notice Deadline
17 Deadline to file Final Approval Motion	TBD
18 Final Approval Hearing	At least thirty (30) days after the Notice Deadline
19 Effective Date	(i) if there is an objection(s) to the settlement that is not subsequently withdrawn, then the date upon the expiration of time for appeal of the Court’s Final Approval Order; or (ii) if there is a timely objection(s) and appeal by an objector(s), then after such appeal(s) is dismissed or the Court’s Final Approval Order is affirmed on appeal; or (iii) if there are no timely objections to the settlement, or if any objections which were filed are withdrawn before the date of final approval, then the first business day after the Court’s order granting Final Approval of the Settlement
27 Deadline for Defendant to pay \$1,200,000.00 to the Settlement Administrator’s Qualified	Ten (10) business days after the Effective Date

1 2 3 4	Settlement Fund to make payments to Participating Class and Collective Members, the Class Representative Payment, the PAGA Payment, and the Class Counsel Fees and Costs Payment, together with the applicable amount of the employer's share of payroll taxes	
5 6	Deadline for the Settlement Administrator to mail or wire all required payments to the Named Plaintiffs, the LWDA, to Class Counsel, and to Participating Class and Collective Members	Thirty (30) business days after the Effective Date or as soon as reasonably practicable
7 8	Checks for the Individual Settlement Payments will become void and no longer available if not cashed	One hundred and eighty (180) days from the date of the checks' issuance
9 10 11	Funds from uncashed checks to be redistributed to those Class and Collective Members who timely cashed their settlement checks if the residual amount is or is more than \$50,000, or to revert in <i>cy pres</i> if the residual amount is less than \$50,000	At the conclusion of the check-cashing period
12 13 14	Deadline for Plaintiffs and Settlement administrator to provide written certification of such completion to the Court, Class Counsel and Defendants' Counsel	Twenty-one (21) days after the distribution of remaining monies from uncashed checks

15 IT IS SO ORDERED.

16  
17 Dated: \_\_\_\_\_

18 \_\_\_\_\_  
HON. WINIFRED Y. SMITH