

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: Machado vs. CR&R Incorporated

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

CASE NUMBER:
30-2025-01450762-CU-NP-CXC

I certify that I am not a party to this cause. I certify that that the following document(s), Order Granting dated 04/09/26, was transmitted electronically by an Orange County Superior Court email server on April 15, 2026, at 4:59:54 PM PDT. The business mailing address is Orange County Superior Court, 700 Civic Center Dr. W, Santa Ana, California 92701. Pursuant to Code of Civil Procedure section 1013b, I electronically served the document(s) on the persons identified at the email addresses listed below:

KELLY, TROTTER & FRANZEN
BCRAMER@KELLYTROTTER.COM

KELLY, TROTTER & FRANZEN
EGGONZALEZ@KELLYTROTTER.COM

KOPELOWITZ OSTROW P. A.
CARDOSO@KOLAWYERS.COM

Clerk of the Court, by:



_____, Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

APR 09 2026

DAVID H. YAMASAKI, Clerk of the Court

BY: M. NEVAREZ, DEPUTY

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

ERIC MACHADO, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

CR&R INCORPORATED,

Defendant.

Case No. 30-2025-01450762-CU-NP-CXC

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

Judge: Hon. David A. Hoffer, Dept. CX103
Complaint Filed: January 3, 2025
Trial Date: Not Set.

Hearing Date: September 7, 2026
Hearing Time: 1:30 p.m.
Hearing Location:
Civil Complex Center,
751 W. Santa Ana Blvd
Santa Ana, CA 92701

WHEREAS, Plaintiff Eric Machado, individually and on behalf of all others similarly
situated, and Defendant CR&R Incorporated have entered into a Settlement Agreement and
Release the Action,¹ subject to Court approval;

WHEREAS, Plaintiff alleges that, on or about December 13, 2022, a third-party threat
actor allegedly gained unauthorized access to Defendant's systems and accessed and acquired
files containing the Private Information of certain current and former employees and customers,

¹ The capitalized terms used in this Preliminary Approval Order shall have the same meaning as
defined in the Settlement Agreement, except as may otherwise be indicated.

1 including names, Social Security numbers, financial account information, and health insurance
2 information.

3 WHEREAS, Plaintiff filed the Action on January 3, 2025, and asserted causes of action
4 for: (1) negligence and negligence *per se*; (2) breach of implied contract; (3) invasion of privacy;
5 (4) unjust enrichment; (5) violation of the California Unfair Competition Law (Bus. & Prof.
6 Code § 17200 et seq.); (6) violation of the California Consumer Privacy Act of 2018 (Civ. Code,
7 § 1798.100 et seq.); and (7) violation of the California Customer Records Act (Cal. Civ. Code
8 § 1798.82 et seq.).

9 WHEREAS, this Action was settled, after arm's-length negotiations between counsel
10 well experienced in class action litigation, investigation, and informal discovery sufficient to
11 permit counsel to act knowingly;

12 WHEREAS, Plaintiff has moved the Court for entry of an order preliminarily approving
13 the Settlement, conditionally certifying the Settlement Class for settlement purposes only, and
14 approving the form and method of Notice upon the terms and conditions set forth in the
15 Settlement, together with all exhibits thereto;

16 WHEREAS, Defendant denies any and all alleged wrongdoing and denies any liability
17 to Plaintiff or to Settlement Class members; and

18 WHEREAS, the Court having considered the Settlement, together with all exhibits
19 thereto, the records in this case, and the arguments of counsel and for good cause appearing,
20 hereby orders as follows:

21 **I. CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS**

22 Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement is
23 GRANTED.

- 24 1. The terms defined in the Agreement shall have the same meaning in this
25 Preliminary Approval Order.

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2. Having made the findings set forth below, the Court conditionally certifies the following Settlement Class for settlement purposes only under California Civil Procedure Code Section 382:

All living individuals residing in the United States who were sent notice of the Data Incident indicating their Private Information may have been impacted in the Data Incident.

- 3. The Settlement Class is estimated to contain 13,014 members.
- 4. For settlement purposes only, with respect to the Settlement Class, the Court preliminary finds the prerequisites for a class action pursuant to California Code of Civil Procedure Section 382 have been met, in that: (a) the Settlement Class is so numerous that joinder of all individual Settlement Class members in a single proceeding is impracticable; (b) questions of law and fact common to all Settlement Class members predominate over any potential individual questions; (c) the claims of the Plaintiff are typical of the claims of the Settlement Class; (d) Plaintiff and proposed Class Counsel will fairly and adequately represent the interests of each Settlement Class member; and (e) a class action is the superior method to fairly and efficiently adjudicate this controversy. *See* Cal. Civ. Proc. Code § 382 (West 2022).
- 5. The Court hereby appoints Eric Machado as Class Representative on behalf of the Settlement Class.
- 6. The Court hereby appoints Jeff Ostrow and Kristen Lake Cardoso of Kopelowitz Ostrow P.A. as Class Counsel.

II. PRELIMINARY APPROVAL

7. The terms of the Settlement, including its proposed Releases, are preliminarily approved as within the range of fair, reasonable, and adequate terms of settlement, and are sufficient to warrant providing notice of the Settlement to the Settlement Class in accordance with the Notice Program, and are subject to

1 further and final consideration at the Final Approval Hearing provided for
2 below.

3 8. In making this determination, the Court considered the fact that the Settlement
4 is the product of arm's-length, good faith negotiations and conducted by
5 experienced and knowledgeable counsel, the current posture of the Action, the
6 Settlement Class Member Benefits, and the risk and benefits of continuing
7 litigation to the Parties and the Settlement Class.

8 9. As provided for in the Settlement, if the Court does not grant final approval of
9 the Settlement or if the Settlement is terminated or cancelled in accordance with
10 its terms, then the Settlement, and the conditional certification of the Settlement
11 Class for settlement purposes only provided for herein, will be vacated and the
12 Action shall proceed as though the Settlement Class had never been
13 conditionally certified for settlement purposes only, with no admission of
14 liability or merit as to any issue, and no prejudice or impact as to any of the
15 Parties' positions on the issue of class certification or any other issue in the case.

16 10. Pursuant to California Civil Code Section 384, the nonprofit organization that
17 will receive any residual funds is the Electronic Privacy Information Center, a
18 26 U.S.C. § 501(c)(3) non-profit organization that seeks to secure the
19 fundamental right to privacy in the digital age for all people through advocacy,
20 research, and litigation.

21 **III. NOTICE OF THE SETTLEMENT TO THE SETTLEMENT CLASS**

22 11. The Court appoints Simpluris, Inc. as the Settlement Administrator. The
23 responsibilities of the Settlement Administrator are set forth in the Agreement.

24 12. The Court has considered the Notice provisions of the Settlement, the Notice
25 Program set forth in the Agreement, and the Postcard Notice and Long Form
26 Notice, attached as Exhibits 1 and 2 to the Agreement, respectively. The Court
27 finds that the direct mailing of notice in the manner set forth in the Notice
28

1 Program is the best notice practicable under the circumstances, constitutes due
2 and sufficient notice of the Settlement and this Preliminary Approval Order to
3 all persons entitled thereto, and is in full compliance with applicable law and due
4 process. The Court approves as to form and content the Postcard Notice and
5 Long Form Notice in the forms attached as Exhibits 1 and 2 to the Agreement,
6 respectively.

- 7 13. The Parties are ordered to give notice to all Settlement Class members in
8 accordance with California Rule of Court, Rule 3.771(b). The Court orders the
9 Settlement Administrator to commence the Notice Program following entry of
10 this Preliminary Approval Order in accordance with the terms of the Agreement.

11 **IV. REQUESTS TO OPT-OUT OF THE SETTLEMENT CLASS**

- 12 14. Each person wishing to opt-out of the Settlement Class must submit a timely
13 request by either checking the “opt-out” box on the Postcard Notice and mailing
14 it to the Settlement Administrator, or submitting an opt-out request online
15 through the Settlement Website.
- 16 15. The opt-out request must be postmarked or submitted through the Settlement
17 Website on or before the Opt-Out Deadline, which is 30 days before the initially
18 scheduled Final Approval Hearing.
- 19 16. All opt-out requests must be submitted individually in connection with a
20 Settlement Class member, *i.e.*, one request is required for every Settlement Class
21 member seeking exclusion.
- 22 17. All persons who opt-out of the Settlement Class shall not receive any Settlement
23 Clas Member Benefits of or be bound by the terms of the Agreement.
- 24 18. All persons falling within the definition of the Settlement Class who do not opt-
25 out shall be bound by the terms of the Agreement and by all proceedings, orders,
26 and judgments in the Action.

1 **V. OBJECTIONS**

2 19. Each Settlement Class Member who does not timely request to opt-out of the
3 Settlement Class may object to the Settlement Administrator.

4 20. All written objections must include all of the following: the objector's full
5 name, mailing address, telephone number, and email address (if any); all grounds
6 for the objection, accompanied by any legal support for the objection known to
7 the objector or objector's counsel; the identity of all counsel who represent the
8 objector, including any former or current counsel who may be entitled to
9 compensation for any reason related to the objection to the Settlement and/or
10 Application for Attorneys' Fees, Costs, and Service Award; the identity of all
11 counsel (if any) representing the objector, and whether they will appear at the
12 Final Approval Hearing; a list of all persons who will be called to testify at the
13 Final Approval Hearing in support of the objection (if any); a statement
14 confirming whether the objector intends to personally appear and/or testify at
15 the Final Approval Hearing; and the objector's signature (an attorney's signature
16 is not sufficient).

17 21. To be timely, written notice of an objection in the appropriate form must be
18 postmarked no later than the Objection Deadline, which is 30 days before the
19 initially scheduled Final Approval Hearing.

20 22. Settlement Class Members may also object orally or otherwise offer comments
21 about the Settlement at the Final Approval Hearing.

22 **VI. THE FINAL APPROVAL HEARING**

23 23. The Court will hold a Final Approval Hearing on **September 7, 2026 at 1:30**
24 **p.m.**, in Department CX103 of the Civil Complex Center, located at 751 W.
25 Santa Ana Blvd., Santa Ana, CA 92701, to consider: (a) whether the Settlement
26 Class should be preliminarily certified for settlement purposes only; (b) whether
27 the Settlement should be preliminarily approved as fair, reasonable, adequate
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1 and in the best interests of the Settlement Class; (c) the application by Class
 2 Counsel for an award of attorneys' fees and costs; (d) the application for Class
 3 Representative's Service Award should be approved; (e) whether the release of
 4 Released Claims as set forth in the Agreement should be provided; (f) whether
 5 the Court should enter the [Proposed] Final Approval Order; and (g) ruling upon
 6 such other matters as the Court may deem just and appropriate. The Final
 7 Approval Hearing may, from time to time and without further notice to
 8 Settlement Class members be continued or adjourned by order of the Court.

9 24. No later than 45 days prior to the Final Approval Hearing, Plaintiff shall file his
 10 Motion for Final Approval, including the Application for Attorneys' Fees, Costs,
 11 and Service Award. At the Final Approval Hearing, the Court will hear argument
 12 from the Parties, and in the Court's discretion, will also hear from any Settlement
 13 Class Members (or their counsel) who timely object to the Settlement or the
 14 Application for Attorneys' Fees, Costs, and Service Award.

15 25. The related time periods for events preceding the Final Approval Hearing are as
 16 follows:

Event	Timing
Notice Program Begins	No later than 20 days after Preliminary Approval
Notice Program Complete	75 days before the initially scheduled Final Approval Hearing
Deadline to File Motion for Final Approval	45 days before the initially scheduled Final Approval Hearing
Opt-Out Deadline	30 days before the initially scheduled Final Approval Hearing

<u>Event</u>	<u>Timing</u>
Objection Deadline	30 days before the initially scheduled Final Approval Hearing
Claim Form Deadline	15 days before the initially scheduled Final Approval Hearing
Final Approval Hearing	September 7, 2026, at 1:30 pm

26. All proceedings in the Action other than those related to approval of the Settlement are stayed pending entry of the Final Approval Order.

IT IS SO ORDERED.

Dated: 4/9/26


 HON. DAVID A. HOFFER
 JUDGE OF THE SUPERIOR COURT

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