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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

DEC 28 2021

BY 
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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

CIVIL JUSTICE CENTER

JOSE A. GOMEZ, individually, and on behalf
of all other aggrieved employees,

Plaintiff,

v.

RABS, INC., doing business as ALFREDO'S
PIZZA & PASTA, a California corporation;
and DOES 1 through 50, inclusive,

Defendants.

CASE NO.: CIVDS 2013897

[Hon. David Cohn, Dept. S-26]

**[PROPOSED] PRELIMINARY
APPROVAL ORDER**

1 **[PROPOSED] PRELIMINARY APPROVAL ORDER**

2 The Court now has before it, Plaintiff's unopposed Motion for Preliminary Approval of
3 Class Action Settlement ("Motion"). After reviewing the Motion, the Class Action Settlement
4 Agreement and Release ("Settlement Agreement")¹ and exhibits attached thereto, and good cause
5 appearing therefore, the Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the settlement memorialized in the
7 Settlement Agreement appears to be fair and adequate, and falls within the range of reasonableness,
8 and therefore meets the requirement for preliminary approval.

9 2. The Court conditionally certifies for settlement purposes the following Class:

10 All non-exempt employees who worked for Defendant as cooks in California during the time
11 period from June 1, 2017, through November 1, 2020.

12 3. The Court finds, for settlement purposes, that the Class meets the requirements for
13 certification under California Code of Civil Procedure § 382 in that: (a) the Class is so numerous
14 that joinder is impractical; (b) there are questions of law and fact that are common, or of general
15 interest, to the Class, which predominate over any individual issues; (c) Plaintiff's claims are typical
16 of the claims of the Class; (d) Plaintiff and Plaintiff's counsel will fairly and adequately protect the
17 interests of the Class; and (e) a class action is superior to other available methods for the fair and
18 efficient adjudication of the controversy.

19 4. The Court appoints, for settlement purposes, Plaintiff Jose A. Gomez as
20 representative for the Class.

21 5. The Court appoints, for settlement purposes, the Law Office of Scott E. Wheeler and
22 the Wand Law Firm, P.C. as Counsel for the Class.

23 6. The Court appoints Phoenix Settlement Administrators as the Settlement
24 Administrator.

25 7. The Parties are ordered to carry out the Settlement according to the following
26 implementation schedule:

27 _____
28 ¹ All capitalized terms have the same meaning as defined in the Settlement Agreement unless
otherwise indicated.

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	January 10, 2022 (10 th day is a Saturday)
Last day for Settlement Administrator to mail Class Notice	January 21, 2022
Last day for Class Members to submit a dispute, Request for Exclusion, or Objection	March 7, 2022
Last Day to file Motion for Final Approval and for Attorneys' Fees and Costs and Class Representative Service Award	Per Code.
Final Approval Hearing	April 28, 2022

8. The Court approves as to form and content the Notice of Class Settlement (attached as Exhibit 2 to the Settlement Agreement).

9. The Court finds that the method of giving notice to the Class constitutes the best means practicable of providing notice under the circumstances. The Court further finds that the Notice of Class Settlement and the method of giving notice to the Class meet the requirements of California Code of Civil Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, and due process under the California and United States Constitutions, and other applicable law.

10. At the Final Approval Hearing, the Court will consider, *inter alia*, whether the Settlement should be finally approved as fair, reasonable and adequate, whether a final judgment should be entered, and whether the payments provided for under the Settlement, including attorneys' fees and costs and class representative service award, should be finally approved and granted.

11. Pending the Final Approval Hearing, all proceedings in this Action, other than proceedings necessary to implement the Settlement and this Order, are stayed.

IT IS SO ORDERED.

DATED: 12/20/22

DAVID COHN
HONORABLE DAVID COHN
JUDGE OF THE SUPERIOR COURT