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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

MARIA GONZALEZ, on behalf of herself  
and all other similarly situated;

Plaintiff,

vs.

LIEF ORGANICS, LLC, a California  
limited liability company; and DOES 1  
through 20, inclusive;

Defendants.

Case No. 20STCV19371

**[PROPOSED] ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Date: August 10, 2021

Time: 8:30 a.m.

Dept: 11

Judge: Hon. Ann I. Jones

1 Plaintiff's unopposed Motion for Preliminary Approval of a Class Action Settlement came  
2 before this Court on August 10, 2021, in Department 11, the Honorable Ann I. Jones presiding.  
3 The Court having considered the papers submitted in support of the application of the parties,  
4 HEREBY ORDERS THE FOLLOWING:

5 1. The Court grants preliminary approval of the Settlement and the Settlement Class  
6 based upon the terms set forth in the Joint Stipulation Of Class Action And Representative Action  
7 Pursuant To Labor Code § 2699(f) Settlement And Release Between Plaintiff, On Behalf Of  
8 Herself And All Others Similarly Situated And Aggrieved, And Defendant (the "Settlement  
9 Agreement") attached as **Exhibit A** to the Declaration of Jonathan Melmed in support of Plaintiff's  
10 Motion for Order Granting Preliminary Approval of Class Action Settlement. All terms used  
11 herein shall have the same meaning as defined in the Settlement Agreement. The settlement set  
12 forth in the Settlement Agreement appears to be fair, adequate and reasonable to the Class, and the  
13 Court preliminarily approves the terms of the Settlement Agreement, including, without limitation:

- 14 a. A non-reversionary Gross Settlement Amount of **\$425,000.00**;
- 15 b. The Class Representative enhancement payment to the named Plaintiff of  
16 **\$7,500.00**;
- 17 c. Court approved attorneys' fees to Class Counsel of up to **\$141,666.66**,  
18 representing one-third of the Gross Settlement Amount;
- 19 d. Court approved litigation costs to Class Counsel of up to **\$15,000.00**;
- 20 e. Fees and Costs of the Settlement Administrator of up to **\$9,000.00**; and
- 21 f. A PAGA allocation of \$20,000.00, with **\$15,000.00** (i.e., 75%) payable to the  
22 California Labor & Workforce Development Agency for its portion of the  
23 PAGA penalties.

24 2. This Court has considered the papers in support of the Motion and the Settlement  
25 Agreement and finds that the, pursuant to C.R.C. Rule 3.769(d), proposed Class should be certified  
26 for settlement purposes only. Specifically, the Court finds for settlement purposes only that the  
27 proposed Class: (a) is ascertainable; (b) is sufficiently numerous; (c) meets the commonality  
28 requirements; (d) the claims of the Class Representatives are typical of the claims of the proposed

1 Class Members; (e) Class Representatives' counsel has and is able to adequately represent the  
2 proposed Class; (f) the Class Representative is adequate to represent the Class; and (g) class-wide  
3 treatment of this dispute is superior to individual litigation because common issues predominate  
4 over individual issues for settlement purposes.

5 3. The Settlement falls within the range of reasonableness and appears to be  
6 presumptively valid, subject only to any objections that may be raised at the final fairness hearing  
7 and final approval by this Court.

8 4. A final fairness hearing on the question of whether the proposed Settlement,  
9 attorneys' fees and costs to Class Counsel, and the Class Representative's enhancement award  
10 should be finally approved as fair, reasonable and adequate as to the members of the Class is  
11 scheduled on the date and time set forth in the implementation schedule in Paragraph 13 below.

12 5. This Court approves, as to form and content, the Notice of Proposed Class Action  
13 Settlement and Hearing Date for Court Approval ("Class Notice"), in substantially the form  
14 attached to the herein as **Exhibit 1**. The Court approves the procedure for Class Members to  
15 participate in, to opt out of, and to object to, the Settlement as set forth in the Settlement Agreement.

16 6. The Court directs the mailing of the Class Notice by first class mail to the Class  
17 Members in accordance with the Implementation Schedule set forth below. The Court finds the  
18 dates selected for the mailing and distribution of the Notice, as set forth in the Implementation  
19 Schedule, meet the requirements of due process and provide the best notice practicable under the  
20 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

21 7. It is ordered that the Settlement Class is preliminarily certified for settlement  
22 purposes only.

23 8. The Court preliminary certifies for settlement purposes only the Settlement Class  
24 defined as follows: *all individuals who are or were employed as non-exempt employees of*  
25 *Defendant Lief Organics, LLC from May 19, 2016 through July 14, 2021 or the date of preliminary*  
26 *approval, whichever date is earlier. See Settlement Agreement, at ¶ 14. The Class Period is defined*  
27 *as May 19, 2016 through July 14, 2021. See Settlement Agreement, at ¶ 15.*

28 9. All Settlement Class members who do not timely opt out will release all claims,

demands, and liabilities against the Released Parties, or any of them, for any type of relief and penalties that came into existence at any time during the class period as a result of Class Members employment by Defendants that were or could have been plead based on the facts alleged in the operative complaint, including to but not limited to the following claims: (1) Failure to Pay Minimum Wages (Labor Code §§ 1194, 1194.2, 1197; IWC Wage Order No. 1); (2) Failure to Pay Overtime Wages (Labor Code §§ 510, 1198; IWC Wage Order No. 1); (3) Failure to Provide Compliant Rest Periods and/or Pay Missed Rest Break Premiums (Labor Code § 226.7; Wage Order No. 1); (4) Failure to Provide Compliant Meal Periods and/or Pay Missed Meal Period Premiums (Labor Code §§ 226.7, 512; IWC Wage Order No. 1); (5) Failure to Provide Complete and Accurate Wage Statements (Labor Code §§226(A)); (6) Waiting Time Penalties (Labor Code § 201-203); (7) Failure to Pay Timely Wages (Labor Code §§ 204, 210); (8) UCL Violations; and (9) PAGA Penalties (Labor Code § 2699 *et seq.*).

10. The Court confirms Plaintiff Maria Gonzalez as Class Representative, and Jonathan Melmed of Melmed Law Group P.C. as Class Counsel.

11. The Court appoints ILYM Group, Inc. as the Settlement Administrator.

12. To facilitate administration of the Settlement pending final approval, the Court hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or administrative proceedings (including filing claims with the Division of Labor Standards Enforcement of the California Department of Industrial Relations) regarding claims released by the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with the Settlement Administrator and the time for filing claims with the Settlement Administrator has elapsed.

13. The Court orders the following **Implementation Schedule** for further proceedings:

|    |                                                                                       |                                                      |
|----|---------------------------------------------------------------------------------------|------------------------------------------------------|
| a. | Deadline for Defendant to Submit Class Member Information to Settlement Administrator | [within 14 days after the Preliminary Approval Date] |
| b. | Deadline for Settlement Administrator to Mail Notice to Class Members                 | [within 30 days after the Preliminary Approval Date] |

|    |                                                                                                                                                 |                                                              |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| c. | Deadline for Class Members to Postmark Requests for Exclusion                                                                                   | [45 days after mailing of the Class Notice]                  |
| d. | Deadline for Class Members to submit any Objections to Settlement                                                                               | [45 days after mailing of the Class Notice]                  |
| e. | Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing                                                 | [30 Court days prior to Final Approval and Fairness Hearing] |
| f. | Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award | [16 Court days prior to Final Approval and Fairness Hearing] |
| g. | <b>Final Approval and Fairness Hearing</b><br>(the Court's first available date after February 10, 2022)                                        | _____, 2022 at _____ a.m./p.m.                               |

14. If any of the dates in this Implementation Schedule falls on a weekend, bank or court holiday, the time to act shall be extended to the next business day.

15. The Court shall retain jurisdiction over the Action for all purposes pursuant to California Rule of Court 3.769 and California Rule of Civil Procedure § 664.6 to enforce the terms of the Settlement.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Hon. Ann I. Jones  
Judge of the Superior Court, Los Angeles County