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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF KERN**

DEMOND COLE, on behalf himself and  
on of all others similarly situated,

Plaintiff,

vs.

CORE-MARK INTERNATIONAL, INC.,  
a Texas Corporation, and DOES 1 through  
100, inclusive,

Defendants.

Case No.: BCV-20-101228

*Assigned for All Purposes to Honorable Thomas S.  
Clark in Department 17*

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

Date: January 5, 2022  
Time: 8:30 a.m.  
Dept.: 17

**FILED  
KERN COUNTY**  
**JAN - 5 / 2022**  
**BY  DEPUTY**

**ADDITIONAL COUNSEL**

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Attorneys for Plaintiff and the Class

1 Plaintiff DEMOND COLE ("Plaintiff")'s Motion for Preliminary Approval of Class  
2 Action Settlement came on for hearing on January 5, 2022. Plaintiff and Defendant CORE-  
3 MARK INTERNATIONAL, INC., a Texas Corporation ("Defendant") appeared through their  
4 respective attorneys of record. The Court has considered the Stipulation and Settlement of Class  
5 and Representative Action ("Settlement Agreement"), the submissions of counsel, and all other  
6 papers filed in this action. The matter having been submitted and good cause appearing thereof,  
7 the Court finds as follows:

8 1. All defined terms contained herein shall have the same meanings as set forth in  
9 the Settlement Agreement;

10 2. The Plaintiff and Defendant through their counsel of record in the Action, have  
11 reached an agreement to settle all claims in the Action;

12 3. The Court conditionally finds that, for the purposes of approving this settlement  
13 only, the proposed Class meets the requirements for certification under section 382 of the  
14 California Code of Civil Procedure: (a) the proposed Class is ascertainable and so numerous that  
15 joinder of all members of the class is impracticable; (b) for purposes of effectuating this  
16 settlement, there are questions of law or fact common to the proposed Class, and there is a well-  
17 defined community of interest among members of the proposed Class with respect to the subject  
18 matter of the Action; (c) the claims of the Plaintiff are typical of the claims of the members of  
19 the proposed Class; (d) the Plaintiff has and will fairly and adequately protect the interests of the  
20 Members of the Class; (e) for purposes of effectuating this settlement, a class action is superior  
21 to other available methods for an efficient adjudication of this controversy; and (f) the counsel of  
22 record for the Plaintiff is qualified to serve as counsel for the Plaintiff in his own capacity as well  
23 as their representative capacities and for the Class:

24 4. The moving parties also have presented to the Court for review the Settlement  
25 Agreement. The Settlement Agreement is within the range of reasonableness and meets the  
26 requirements for preliminary approval; and

27 5. The moving parties have also presented to the Court for review a plan to provide  
28 Class Notice to the proposed Class Members of the terms of the settlement and the options facing

1 the Class including, *inter alia*: to opt out of the class action, to be represented by counsel of their  
2 choosing, to object to the settlement, to remain in the Settlement Class, and/or to submit a  
3 request for exclusion. The notice will be mailed to all Class Members at their Last Known  
4 Addresses with provisions for address verification. The notice plan proposed by the Parties is  
5 the best practical under the circumstances.

6 Good cause appearing therefor,

7 IT IS HEREBY ORDERED that:

8 1. Pursuant to California Rule of Court 3.769(d), the Settlement Agreement is  
9 preliminarily approved and the Class is provisionally certified;

10 2. The Court hereby certifies the following class for settlement purposes: all persons  
11 employed by Defendant in California as non-exempt merchandisers, merchandise associates,  
12 sales service representatives, and smart stock specialists during the time period from June 1,  
13 2018 through September 1, 2021;

14 3. Class Notice, and the rights of Class Members, including the right to object or opt  
15 out of the settlement, shall be given by mailing of the Notice Packet by first class, postage  
16 prepaid, to all Class Members pursuant to the applicable provisions in the Settlement Agreement.  
17 Defendant shall provide the Settlement Administrator with the information necessary to conduct  
18 this mailing as set forth in the Stipulation;

19 4. A hearing shall be held before this Court on 5-12-22 at  
20 8:30 a.m./p.m. to consider whether the settlement should be given final approval  
21 by the Court:

22 (a) Written objections by Class Members to the proposed settlement will be  
23 considered if received by Class Counsel on or before the Notice Response Deadline;

24 (b) At the Settlement Hearing, Class Members may be heard orally in support of or in  
25 opposition to the settlement;

26 (c) Class Counsel and counsel for Defendant should be prepared at the hearing to  
27 respond to objections filed by Class Members, and to provide other information as appropriate,  
28 bearing on whether or not the settlement should be approved; and

1 (d) At the Settlement Hearing, the Court shall consider any motions or applications  
2 for attorney fees, costs and litigation expenses consistent with the Stipulation.  
3

4 IT IS SO ORDERED.  
5

6  
7 DATED:

1-5-22

  
Honorable Thomas S. Clark  
Judge of the Superior Court