

LEBE LAW, APLC

Jonathan M. Lebe (SBN 284605)

jon@lebelaw.com

Zachary Gershman (SBN 328004)

zachary@lebelaw.com

777 S. Alameda Street, Second Floor

Los Angeles, CA 90021

Telephone: (213) 444-1973

COHELAN KHOURY & SINGER

Michael D. Singer (SBN 115301)

msinger@ckslaw.com

Jeff Geraci (SBN 151519)

jgeraci@ckslaw.com

605 C Street, Suite 200

San Diego, CA 92101

Telephone: (619) 595-3001

Facsimile: (619) 595-3000

Attorneys for Plaintiff Don M. Vasquez, individually and
on behalf of all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF TULARE

DON M. VASQUEZ, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

SAPUTO CHEESE USA INC., a Delaware
corporation; and DOES 1 through 25,
inclusive

Defendants.

Case No. VCU282978

Consolidated with Case No. VCU283853

ASSIGNED FOR ALL PURPOSES TO:

The Honorable John P. Bianco

Department 2

CLASS ACTION

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

Hearing: December 4, 2023

Time: 8:30 a.m.

Dept: 2

Judge: Hon. John P. Bianco

Complaint filed: May 27, 2020

Trial date: Not set

1 This matter came on for hearing on December 4, 2023 in Department 2 of the above-
2 captioned Court on Plaintiff's Motion for Order Granting Preliminary Approval of Settlement
3 ("Motion"). Having fully reviewed the Motion, supporting memorandum of Points and
4 Authorities and Declarations, the Class and PAGA Action Settlement Agreement
5 ("Agreement") and the proposed Notice of Class and Representative Action Settlement
6 attached as Exhibit A to the Agreement ("Class Notice"), having carefully analyzed the
7 Agreement and Class Notice, and in recognition of the Court's duty to make a preliminary
8 determination as to the reasonableness of any proposed class action settlement, and if
9 preliminarily determined reasonable, to ensure proper notice is provided to Class Members in
10 accordance with due process requirements, and to set a Final Approval Hearing to consider the
11 good faith, fairness, adequacy and reasonableness of the proposed Settlement,

12 THE COURT MAKES THE FOLLOWING DETERMINATIONS AND ORDERS:

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

25 2. The Court finds on a preliminary basis the Agreement, attached to the
26 Declaration of Jeff Geraci as Exhibit 1, incorporated by this reference in full, and made a part
27 of this Order of preliminary approval, appears to be within the range of reasonableness of a
28 settlement which could ultimately be given final approval by this Court.

3. It appears to the Court on a preliminary basis: (a) the Gross Settlement Amount
is fair and reasonable to Class Members when balanced against the probable outcome of further

1 litigation relating to class certification, liability and damages issues, and potential appeals; (b)
2 significant investigation, research, and informal discovery, have been conducted such that
3 counsel for the Parties are able to reasonably evaluate their respective positions; (c) settlement
4 at this time will avoid substantial costs, delay, and risks presented by further prosecution of the
5 litigation; and (d) the proposed Settlement was reached through intensive, serious, and non-
6 collusive negotiations facilitated by an experienced mediator.

7 4. Good cause appearing, the Court GRANTS Preliminary Approval of the Class
8 and PAGA Action Settlement, and incorporates the Agreement in this Order.

9 5. For purposes of this Settlement, Class or Settlement Class is defined as:

10 All current and former nonexempt California employees of Saputo employed at any
11 time from May 27, 2016 through and including March 30, 2023.

12 6. The Court finds the proposed Class Notice fairly and adequately advises Class
13 Members of (a) pendency of the Class Action Settlement; (b) conditional Class certification for
14 settlement purposes only; (c) preliminary Court approval of the proposed Settlement; (d) the
15 date, time and place of the Final Approval Hearing; (e) the terms of the proposed Settlement
16 and the benefits available to Class Members under the Settlement; and of their right to (f)
17 receive a proportionate share of the Net Settlement Amount without the need to return a claim
18 form; (g) request exclusion, and procedures and deadline for doing so; (h) object to the
19 Settlement, and procedures and deadline for doing so; and, (i) file documents in opposition to
20 the Settlement, and appear at the Hearing.

21 7. The Court finds the proposed Class Notice provides the best practicable notice
22 to the Class and comports with all constitutional requirements, including those of due process.
23 Accordingly, good cause appearing, the Court APPROVES the Class Notice. The Court further
24 finds mailing the Class Notice to the last known address of Class Members with measures
25 taken verify addresses verification and skip tracing of bad addresses, as described in the
26 Agreement, is an effective method of notifying Class Members of their rights in the class action
27 and the Settlement. Accordingly, IT IS ORDERED:

28 A. CPT Group, Inc. be appointed the Settlement Administrator to
administer the Settlement of this matter as more specifically set forth in the Agreement;

1 B. Jonathan M. Lebe and Zachary Gershman of Lebe Law, APLC and
2 Michael D. Singer and Jeff Geraci of Cohelan Khoury & Singer be appointed as Class Counsel;

3 C. Plaintiff Don M. Vasquez be appointed as Class Representative;

4 D. Within twenty-one (21) calendar days of the date the Court enters an
5 order granting Plaintiff's Motion for Preliminary Approval, Defendant shall provide to the
6 Settlement Administrator, in a Microsoft Excel Spreadsheet, or similar digital format, a list of
7 the Class Members that provides their names; last known mailing addresses and telephone
8 numbers; social security numbers; and the start and end dates of active employment during the
9 Class Period, as reflected in Defendant's existing business records and to the extent such
10 records and information exists. Defendant will diligently and in good faith compile the Class
11 List and Data Report from their records.

12 E. Within ten (10) business days of receipt of the Class List and Data
13 Report, the Settlement Administrator shall mail the Class Notice to each Class Member by first
14 class, regular U.S. mail, using the most current mailing address information available, with
15 measures taken for updating an address as provided by the terms of the Agreement.

16 F. On or before forty-five (45) calendar days from the date the Settlement
17 Administrator first mails the Class Notice to Class Members (or, if the 45th day falls on a
18 Sunday or holiday, the next business day that is not a Sunday or holiday) (the "Opt-
19 Out/Objection Deadline Date"), Class Members who wish to exclude themselves from the
20 Class must submit a written request for exclusion in the manner set forth in the Class Notice.
21 Class Members who fail to submit a valid and timely written Request for Exclusion on or
22 before the Response Deadline shall be Settlement Class Members, bound by all Settlement
23 terms and any final judgment entered in this Action, if the Settlement is approved by the Court.

24 G. On or before the Opt-Out/Objection Deadline Date, Class Members who
25 wish to object to the Settlement, may send a written notice of objection in the manner set forth
26 in the Class Notice, but may attend the Final Approval Hearing, even if written objection is not
27 made, and;

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1 H. On or before the Opt-Out/Objection Deadline Date, Class Members who
2 wish to dispute the information upon which their Settlement Payment is based must submit a
3 written dispute in the manner set forth in the Class Notice.

4 8. IT IS FURTHER ORDERED the Final Approval Hearing shall be held before
5 the undersigned at _____ a.m./p.m. on _____, 2024, in Department 2 of the Superior
6 Court of California, County of Tulare, located at 221 South Mooney Blvd., Visalia, California
7 93291, to consider the fairness, adequacy, and reasonableness of the proposed Settlement
8 preliminarily approved by this Order, and to consider the application for a Service Payment to
9 the Class Representative, Settlement Administrator expenses, and for Class Counsel's
10 attorneys' fees and litigation expenses incurred.

11 9. IT IS FURTHER ORDERED that if for any reason the Court does not execute
12 and file an Order Granting Final Approval, for any reason whatsoever, the Agreement and the
13 proposed Settlement that is the subject of this Order, and all evidence and proceedings in
14 connection the with the Order, shall be restored without prejudice to the status quo ante as more
15 specifically set forth in the Agreement.

16 10. IT IS FURTHER ORDERED, pending further order of this Court, proceedings
17 in this matter, except those contemplated by this Order and the Agreement, are stayed.

18 11. The Court reserves the right to adjourn or continue the Final Approval Hearing
19 without further notice to Class Members. If written objections are submitted, Class Counsel
20 shall notify objecting Class Members of the new date and time for the Final Approval Hearing.

21 **IT IS SO ORDERED.**

22 Dated: _____

23 _____
24 Honorable John Bianco
25 JUDGE OF THE SUPERIOR COURT
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