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SIGNATURE RESOLUTION

JUAN MELENDREZ, as an individual and on
behalf of all others similarly situated,

Claimant,

vs.

S. STAMOULES, INC., a California
Corporation,

Respondent.

CASE ID: WBMDX

[Before the Hon. Peter D. Lichtman (Ret.)]

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

1 The Motion of Claimant Juan Melendrez (“Claimant”) for Preliminary Approval of Class
2 Action Settlement was properly submitted by Claimant and taken under submission without a
3 hearing. The Arbitrator, having considered the proposed Stipulation of Settlement (the
4 “Settlement”), attached as Exhibit 1 to the Declaration of Fletcher W. Schmidt filed concurrently
5 herewith; having considered Claimant’s Motion for Preliminary Approval of Class Action
6 Settlement, Memorandum of Points and Authorities in support thereof, and supporting
7 declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Arbitrator GRANTS preliminary approval of the class action settlement as set
9 forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement
10 that ultimately could be granted approval at a Final Fairness Hearing. For purposes of the
11 Settlement, the Arbitrator finds that the proposed Settlement Class is ascertainable and that there
12 is a sufficiently well-defined community of interest among the members of the Settlement Class
13 in questions of law and fact. Therefore, for settlement purposes only, the Arbitrator grants
14 conditional certification of the following Settlement Class:

15 All current and former employees of S. Stamoules, Inc. in the state
16 of California who received a wage statement during the time period
17 from April 1, 2019 to August 7, 2020.

18 2. For purposes of the Settlement, the Arbitrator designates Juan Melendrez as Class
19 Representative and designates Fletcher W. Schmidt, Paul K. Haines, and Matthew K. Moen of
20 Haines Law Group, APC as Class Counsel.

21 3. The Arbitrator designates Phoenix Settlement Administrators as the third-party
22 Settlement Administrator for mailing notices.

23 4. The Arbitrator approves, as to form and content, the Class Notice and Dispute
24 Form, attached as a combined Exhibit 2 to the Declaration of Fletcher W. Schmidt and submitted
25 concurrently with Claimant’s Motion.

26 5. The Arbitrator finds that the form of notice to the Settlement Class regarding the
27 pendency of the action and of the Settlement, and the methods of giving notice to members of the
28 Settlement Class constitute the best notice practicable under the circumstances, and constitute

valid, due, and sufficient notice to all members of the Settlement Class. The form and method of giving notice complies fully with the requirements of California Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

6. The Arbitrator further approves the procedures for Settlement Class members to opt out of or object to the Settlement, as set forth in the Class Notice.

7. The procedures and requirements for filing objections in connection with the Final Fairness Hearing are intended to ensure the efficient administration of justice and the orderly presentation of any Class Member's objection to the Settlement, in accordance with the due process rights of all Settlement Class members.

8. The Arbitrator directs the Settlement Administrator to mail the Class Notice and Dispute Form (collectively the "Notice Packet") to the members of the Settlement Class in accordance with the terms of the Settlement. The Arbitrator directs the Settlement Administrator to carry out all duties as required by the Settlement.

9. The Class Notice shall provide at least 60 calendar days' notice for members of the Settlement Class to opt out of, or object to the Settlement. Any Request for Exclusion or Objection shall be submitted directly to the Settlement Administrator and not filed with the Court or Arbitrator. Upon receipt of any Requests for Exclusion or Objections, the Settlement Administrator shall forward copies of all Requests for Exclusion and Objections to counsel for all parties. The Settlement Administrator shall file a declaration concurrently with the filing of the Motion for Final Approval of Class Action Settlement which authenticates a copy of every Request for Exclusion and Objection received by the Settlement Administrator. The Settlement Administrator shall give notice to any objecting Settlement Class member of any continuance of the hearing on Claimant's Motion for Final Approval of Class Action Settlement.

10. The Final Fairness Hearing on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled before the Arbitrator on _____, at _____ a.m./p.m.

1 11. At the Final Fairness Hearing, the Arbitrator will consider: (a) whether the
2 Settlement should be finally approved as fair, reasonable, and adequate for the Settlement Class;
3 (b) whether an award granting final approval of the Settlement should be entered; and (c) whether
4 Claimant’s application for reasonable attorneys’ fees, reimbursement of litigation expenses,
5 enhancement payment to Claimant, settlement administration costs, and payment to the Labor
6 and Workforce Development Agency (“LWDA”) for penalties under the Labor Code Private
7 Attorneys General Act (“PAGA”) should be granted.

8 12. Counsel for the parties shall file memoranda, declarations, or other statements and
9 materials in support of their request for final approval of the Settlement, attorneys’ fees, litigation
10 expenses, Claimant’s enhancement payment, settlement administration costs, and payment to the
11 LWDA for PAGA penalties no later than _____ business days prior to the Final Fairness
12 Hearing.

13 13. Pending the Final Fairness Hearing, all proceedings in this action, other than
14 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
15 Order, are stayed.

16 14. Counsel for the parties are hereby authorized to utilize all reasonable procedures
17 in connection with the administration of the Settlement which are not materially inconsistent with
18 either this Order or the terms of the Settlement.

19 **IT IS SO ORDERED.**

20
21 Dated: _____, 2022

Honorable Peter D. Lichtman (Ret.)
Arbitrator