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12 and SILVIA URBIETA, individually, and on
13 behalf of others similarly situated

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF STANISLAUS**

15 BLANCA CATANO and SILVIA URBIETA,
16 individually, and on behalf of others similarly
17 situated

17 Plaintiffs,

18 vs.

19 COMPASS FOODS, INC., a corporation;
20 AVITEK RECRUIT, INC., a corporation;
21 HUMAN BEES, INC., a corporation; and
22 DOES 1 through 50, inclusive,

21 Defendants.

Case No. CV-21-001610

[Assigned to the Honorable John D. Freeland,
Dept. 23]

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

Hearing Date: November 13, 2024
Hearing Time: 8:30 AM
Department: 23

Complaint: March 25, 2021
Trial Date: None Set

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

3. The Court provisionally certifies, for settlement purposes only, the following Class:

4. The Court finds, for settlement purposes only, that the Class meets the requirements for certification under California Code of Civil Procedure section 382 in that: (1) the class is so numerous that joinder is impractical; (2) there are questions of law and fact that are common to all Class Members which predominate over individualized issues; (3) Plaintiffs' claims are typical of the claims of the Class Members; (4) Plaintiffs and Plaintiffs' counsel will fairly and adequately protect the interests of the class; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

1 6. The Court appoints, for settlement purposes only, Plaintiffs as the Class
2 Representatives.

3 7. The Court appoints, for settlement purposes only, Matern Law Group, PC as Class
4 Counsel. Class Counsel is authorized to act on behalf of the Class with respect to all acts or
5 consents required by, or which may be given, pursuant to the Settlement, and such other acts
6 reasonably necessary to finalize the Settlement and its terms. Any Class Member may enter an
7 appearance through his or her own counsel at such Class Member's own expense. Any Class
8 Member who does not enter an appearance or appear on his or her own behalf will be represented
9 by Class Counsel.

10 8. The Court hereby preliminarily approves the Settlement and the Maximum
11 Settlement Amount of \$700,000.00. The Maximum Settlement Amount shall cover all anticipated
12 and unanticipated expenses associated with the settlement including the following items: (1)
13 Individual Settlement Payments to Participating Class Members; (2) Individual PAGA Payments;
14 (3) the LWDA PAGA Payment; (4) Attorney's Fees and Costs; (5) Class Representative
15 Enhancement Awards; and (7) Settlement Administration Costs The employer's share of payroll
16 taxes shall be paid separately from and in addition to the Maximum Settlement Amount.

17 9. The Court finds that, on a preliminary basis, the Settlement appears to be within the
18 range of reasonableness of a settlement that could ultimately be given final approval by this Court.
19 It appears to the Court on a preliminary basis that the settlement is fair, adequate, and reasonable
20 as to all potential Class Members when balanced against the probable outcome of further litigation
21 relating to liability and damages issues. It also appears that extensive and costly investigation,
22 research and court proceedings have been conducted so that counsel for the parties are able to
23 reasonably evaluate their respective positions. It appears to the Court that settlement at this time
24 will avoid substantial additional costs by all parties, as well as avoid the delay and risks that would
25 be presented by the further prosecution of the Action. It also appears that settlement has been
26 reached as a result of intensive, serious, and non-collusive, arms-length negotiations, including a
27 mediation with Steven J. Serratore, Esq.

1 10. The Court approves, as to form and content, the Class Notice, attached as Exhibit 3
2 to the Settlement. The Court finds that the notice plan is the best means practicable under the
3 circumstances for providing notice to the Class Members, and, when completed, shall constitute
4 due and sufficient notice of the class action, proposed settlement, and the final approval hearing to
5 all persons entitled to such notice, in full compliance with California Code of Civil Procedure §
6 382, California Civil Code § 1781, California Rules of Court 3.766 and 3.769, the California and
7 United States Constitutions, and other applicable laws.

8 11. The Court appoints CPT Group, Inc. as the Settlement Administrator. The Court
9 hereby directs the Settlement Administrator to disseminate the approved Class Notice according
10 the procedures set forth in the Settlement.

11 12. Any Class Member may choose to be excluded from the Settlement as provided in
12 the Settlement and Class Notice and by following the instructions for requesting exclusion. Any
13 person who timely and properly requests to be excluded from the Settlement will not be bound by
14 the Settlement or have any right to object, appeal, or comment thereon. Any request for exclusion
15 must be signed by each such Class Member and must otherwise comply with the requirements
16 delineated in the Class Notice. Class Members who have not requested exclusion by submitting a
17 valid and timely request before the expiration of the Response Deadline shall be bound by all
18 determinations of the Court, the Settlement, and the Judgment.

19 13. A Final Approval Hearing will be held before this Court on _____
20 at _____ in Department 23 of the Stanislaus County Superior Court, City Towers
21 Courthouse, located at 801 10th Street, Modesto, California 95354, to determine all necessary
22 matters concerning the Agreement, including whether the Agreement is fair, adequate, and
23 reasonable and should be finally approved by the Court and whether a Judgment should be entered
24 herein. At the same time, a hearing on Class Counsel's motion for attorneys' fees and costs and
25 the Class Representative Enhancement Awards shall also be held.

26 14. Any Class Member may appear at the Final Approval Hearing and object to the
27 Settlement or express his or her views regarding the Settlement, and may present evidence and file
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1 briefs or other papers that may be proper and relevant to the issues to be heard and determined by
2 the Court as provided in the Class Notice.

3 15. The Court sets the following implementation schedule:

4 5 6	Deadline for Defendants to provide the Class List to the Settlement Administrator	_____, 2024 (within 30 calendar days after Preliminary Approval)
7 8 9	Deadline for Settlement Administrator to mail the Class Notice to Class Members	_____, 2024 (within 15 calendar days of receiving the Class List from Defendants)
10 11	Deadline for Class Members to submit an objection or Request for Exclusion (“Response Deadline”)	_____, 2024 (45 days after Class Notice is mailed to Class Members)
12 13 14	Deadline for Plaintiffs to file Motion for Final Approval of Class Action and PAGA Settlement and Motion for Award of Attorney Fees, Costs, and Class Representative Service Award Payments	_____, 2024
15 16 17	Final Approval Hearing	_____, 2024 at _____ (approximately 150 days after Preliminary Approval)

18 16. Pending the Final Approval Hearing, all proceedings in this action, other than
19 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this
20 Order, are stayed.

21 17. To facilitate administration of the Settlement pending final approval, the Court
22 hereby enjoins all Class Members from filing or prosecuting any claims, suits or administrative
23 proceedings regarding claims released by the Settlement unless and until such Class Members
24 have submitted valid requests for exclusion to the Settlement Administrator and the Response
25 Deadline has elapsed.

26 18. The Settlement Administrator shall post notice of this Order on its website within
27 10 days of the date of the Order.
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IT IS SO ORDERED.

DATED: _____

HON. JOHN D. FREELAND
Judge of the Superior Court