

Kevin Mahoney (SBN: 235367)

kmahoney@mahoney-law.net

Berkeh Alemzadeh (SBN: 324834)

balem@mahoney-law.net

MAHONEY LAW GROUP, APC

249 E. Ocean Blvd., Ste. 814

Long Beach, CA 90802

Telephone: (562) 590-5550

Facsimile: (562) 590-8400

FILED
Superior Court of California
County of Los Angeles

03/11/2025

David W. Stoyan, Executive Officer / Clerk of Court

By: T. Lewis Deputy

Attorneys for Plaintiffs MARIA GUADALUPE ALONSO and RAYMUNDO GONZALEZ, as individuals and on behalf of all employees similarly situated,

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT
SPRING STREET COURTHOUSE**

MARIA GUADALUPE ALONSO and
RAYMUNDO GONZALEZ, as
individuals and on behalf of all similarly
situated employees,

Plaintiffs,

v.

T FRESH COMPANY dba YES
PRODUCE; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 20STCV48580

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

Assigned for all purposes to:
Hon. David S. Cunningham, Dept. 11

Date: November 4, 2024
Time: 9:00 a.m.
Dept.: 11

Complaint Filed: December 18, 2020
Trial Date: None Yet Set

[PROPOSED] ORDER

ON ~~03/11/2025~~ 03/11/2024, Plaintiffs MARIA GUADALUPE ALFONZO and RAYMUNDO GONZALEZ's ("Plaintiff") Motion for Preliminary Approval of Class Action Settlement ("Motion") came on for hearing in Department 11 of the Superior Court of California, County of Los Angeles. The Court, having fully reviewed the motion for preliminary approval of class action settlement; points and authorities and declarations filed in support; and Class Action Settlement Agreement ("Settlement"), including the Notice of Class Action Settlement ("Notice") attached hereto as Exhibit A; and in recognition of the Court's duty to make a preliminary determination as to the reasonableness of any proposed class action settlement, and if preliminarily determined to be reasonable, to ensure proper notice is provided to Class Members in accordance with due process requirements, and to set a Final Fairness Hearing to consider the proposed Settlement as to the good faith, fairness, adequacy, and reasonableness of any proposed settlement.

IT IS HEREBY ORDERED:

1. The Settlement Agreement entered into by and between Plaintiffs individually and on behalf of Class Members (defined below) as Defendant T FRESH COMPANY dba YES PRODUCE ("Defendant") is preliminarily approved, as the terms of the settlement are found to be fair, adequate, and reasonable.

2. The following class is conditionally certified for settlement purposes only: all individuals who worked for T Fresh Produce as hourly and/or non-exempt employees in California at any time between December 18, 2016 to the granting of preliminary approval.

3. Named Plaintiffs Maria Guadalupe Alonso and Raymundo Gonzalez are appointed as Class Representatives. Kevin Mahoney and Berkeh Alemzadeh of Mahoney Law Group, APC are appointed as Class Counsel.

4. The Parties' proposed notice plan is hereby approved as the best notice practicable. The proposed Settlement Class Notice attached hereto as Exhibit A is sufficient to inform the Class Members of the terms of the Settlement Agreement, their rights to receive monetary payments under the Settlement Agreement, their right to exclude themselves from the Settlement,

1 and their right to lodge objections to the Settlement. The Court finds the notice requirements of
2 Rules of Court, rules 3.766(d) and 3.769(f) are satisfied, and that the Class Notice adequately
3 advises Class Members of their rights under the Settlement. Counsel for the Parties are authorized
4 to correct any typographical errors that may be discovered in the Class Notice and make
5 clarification, to the extent some are found or needed, so long as the corrections do not materially
6 alter the substance of the Class Notice.

7 5. Phoenix Class Action Administration Solutions (“Phoenix”) is appointed to act as
8 the Settlement Administrator pursuant to the terms of the Settlement Agreement. The Court
9 orders Defendant to provide to Phoenix the class information necessary to facilitate the notice
10 mailing by April 9, 2025, ~~2024~~. Phoenix is ordered to carry out the Settlement according to the terms
11 of the Settlement Agreement and in conformity with this Order, including disseminating the
12 Notice according to the notice plan described in the Settlement Agreement in English and
13 Spanish. The mailing of the Notice shall be completed on April 9, 2025, ~~2024~~. Based upon the cost
14 estimate submitted by Phoenix, the Court preliminarily approves administration costs in the
15 amount of ten thousand dollars (\$10,000.00) to be deducted from the Gross Settlement Amount.

16 6. The deadline for Class Members to opt-out or object to the Settlement is
17 June 8, 2025, ~~2024~~. The procedures and deadline for Class Member to request exclusion from or
18 to object to the Settlement is adopted as described in the Settlement Agreement and the attached
19 Notice. Any Class Member who intends to object to final approval of the Settlement Agreement
20 must submit a written objection to Phoenix by mail in accordance with the Settlement Agreement
21 and described in paragraph 7 of the Notice. Any opposition or reply to any objection or the motion
22 for final approval will be due according to Code of Civil Procedure section 1005.

23 7. The Parties are ordered to carry out the settlement according to the terms of the
24 Settlement Agreement.

25 **RELEVANT DATES AND DEADLINES**

26 8. On March 14, 2025, ~~2024~~, Defendant shall provide Phoenix with the following
27 information that is within Defendant’s possession for each Participating Class Member: (1) each
28 Settlement Class Member’s full name; (2) last known address; (3) last known home telephone

1 number; (4) social security number; (5) start and end dates of employment during the Class
2 Period; and (6) total number of weeks each Settlement Class Member worked during the Class
3 Period. This information shall be based on Defendant's payroll and other business records and in
4 a format readily accessible to Defendant. The data contained in the Database shall remain
5 confidential and shall not be disclosed to anyone, except to applicable taxing authorities and as
6 needed by Phoenix to carry out the reasonable efforts required by the Settlement, or pursuant to
7 express written authorization by Defendant or by order of the Court. Phoenix shall be authorized
8 to use any reasonable practices to locate Class Members in order to provide them with the Notice
9 and/or Settlement Payments. Neither Class Counsel nor Phoenix may use the Database for any
10 purpose other than to administer the Settlement as provided in the Settlement.

11 9. On ~~April 9, 2025~~ ^{April 9, 2025}, 2024, Phoenix will mail a copy of the Class Notice to all Class
12 Members by first class regular U.S. mail. Phoenix will engage in address searches consistent with
13 their normal practices in settlements of wage claims, including skip tracing. Any returned
14 envelopes from this mailing with forwarding address will be utilized by Phoenix to forward the
15 Notice to the Class Members.

16 10. Each Notice will list the total workweeks worked by the Class Members during
17 the Class Period. To the extent a Class Member disputes the information listed on his or her
18 Notice, the Class Member may produce evidence to Phoenix showing the number of weeks the
19 Class Member contends to have worked during the Class Period. If there is a dispute, Phoenix
20 will consult with the Parties to determine whether an adjustment is warranted. Phoenix shall
21 determine the eligibility for, and the amounts of, any Individual Settlement Payments under the
22 terms of this Agreement. Phoenix's determination of the eligibility for and amount of any
23 Individual Settlement Payment shall be binding upon the Class Members and the Parties.

24 11. All requests for exclusions must be post-marked by ^{June 8, 2025} _____, 202_.

25 12. All written objections must be mailed to Phoenix and be postmarked
26 ^{June 8, 2025} by _____, 202_. Any Objection must be signed by the Settlement Class Member and state:
27 (1) the full name of the Settlement Class Member; (2) the last four digits of the Settlement Class
28

1 Member's Social Security number and/or the Employee ID number; and (3) the basis for the
2 objection.

July 21, 2025 at 10:00 am

3 13. The Court will conduct a Final Fairness Hearing on _____ to determine:
4 (1) whether the proposed Settlement is fair, reasonable, and adequate and should be finally
5 approved by the Court; (2) the amount of attorneys' fees and costs to award to Class Counsel; and
6 (3) the amount of Service Payments to the Class Representatives. If the settlement is finally
7 approved by the Court, Defendant will receive a release of claims as set forth in the Settlement
8 Agreement.

9 14. Briefs/Motion in Support of Final Approval of the Settlement shall be filed by per
10 code based on the hearing date. Phoenix's report regarding the mailing of the Notice and
11 settlement administration shall be filed by _____, 2025.

12 15. The Court reserves the right to continue the date of the Final Fairness Hearing
13 without further notice to Settlement Class Members. The Court retains jurisdiction to consider all
14 further applications arising out of or in connection with the Settlement.

15 In the event the Settlement is not finally approved, or otherwise does not become effective
16 in accordance within the terms of the Settlement, this Order shall be rendered null and void and
17 shall be vacated, and the Parties shall revert to their respective positions as of before entering into
18 the settlement.

19 Dated: 03/11/2025



HON. DAVID S. CUNNINGHAM
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

Code of Civ. Proc. § 1013a, subd. (3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 249 East Ocean Boulevard, Suite 814, Long Beach, California, 90802.

On **October 11, 2024**, I served [X] true copies [] originals of the following document(s).
[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT. I served the document(s) on the person(s) below as follows:

Amber Healy. Esq. BUCHLATER, APC 1000 Wilshire Blvd., Ste. 1500 Los Angeles, CA 90017	Attorneys for Defendant T FRESH COMPANY dba YES PRODUCE Telephone: (213) 891-5087 Facsimile: 310) 801-8795 Emails: ahaley@buchalter.com
---	---

The document(s) were served by the following means:

☒ **By electronic service:** Based on a court order, I caused the document(s) to be sent to the persons at the electronic service addresses listed above by transmission through CASE ANYWHERE.

☒ **(State):** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **October 11, 2024**, at Long Beach, California.



Nicole Pierson