

1 **SULLIVAN EMPLOYMENT LAW PC**

2 Martin Sullivan (SBN 274279)

3 martin@sullivanlawgrp.com

4 1801 Century Park East, Suite 850

5 Los Angeles, California 90067

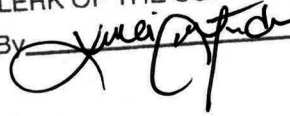
6 Telephone: (323) 645-5470

7 *Counsel for Plaintiff, the Putative Class, and Aggrieved Employees*

FILED
ALAMEDA COUNTY

APR 04 2023

CLERK OF THE SUPERIOR COURT

By  Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF ALAMEDA**

10 BARRY BARRETTO, an individual, on behalf
11 himself, the State of California, as a private
12 attorney general, and on behalf of all others
13 similarly situated,

14 Plaintiff,

15 v.

16 SFC MILPITAS, INC., a California
17 Corporation; SFC MARKETPLACE, INC., a
18 California Corporation; A&B AZUSA, INC. dba
19 Seafood City, a California Corporation; and
20 DOES 1 TO 50,

21 Defendants.

Case No.: RG21088009

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

Date: April 4, 2023

Time: 3:00 p.m.

Dept.: 23

Judge: Hon. Brad Seligman

Complaint Filed: February 3, 2021

FAC Filed: April 9, 2021

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5

6
7
8
9
10
11
12

14
15
16
17
18
19
20
21

22
23
24

25
26
27
28

1 in Paragraph 12 below.

2 5. This Court approves, as to form and content, the Notice of Proposed Class Action
3 Settlement and Hearing Date for Court Approval ("Class Notice"), in substantially the form
4 attached as **Exhibit C** to the Supplemental Declaration of Martin Sullivan in support of
5 Plaintiff's Motion for Order Granting Preliminary Approval of Class Action Settlement. The
6 Court approves the procedure for Class Members to participate in, to opt out of, and to object
7 to, the Settlement as set forth in the Settlement Agreement.

8 6. The Court directs the mailing of the Class Notice by first class mail to the Class
9 Members in accordance with the Implementation Schedule set forth below. The Court finds the
10 dates selected for the mailing and distribution of the Notice, as set forth in the Implementation
11 Schedule, meet the requirements of due process and provide the best notice practicable under
12 the circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

13 7. It is ordered that the Settlement Class is preliminarily certified for settlement
14 purposes only.

15 8. The Court preliminary certifies for settlement purposes only the Settlement Class
16 defined as follows: *all individuals who are or were employed as hourly, non-exempt employees*
17 *by Defendants in California at any time between February 3, 2020 and February 28, 2022.*
18 Defendants are defined as SFC Milpitas, Inc., SFC Marketplace, Inc., and A&B Azusa, Inc. dba
19 Seafood City.

20 9. The Court preliminarily confirms Plaintiff Barry Barretto as the Class
21 Representative.

22 10. The Court preliminarily approves Martin Sullivan of Sullivan Employment Law
23 PC as Class Counsel.

24 11. The Court appoints ILYM Group, Inc. as the Settlement Administrator.

25 12. The Court orders the following **Implementation Schedule** for further
26 proceedings:

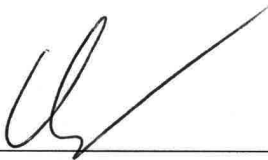
27	a. Deadline for Defendant to Submit Class Member Information to Settlement Administrator	[within 7 days after the Preliminary Approval Date]
28		

b.	Deadline for Settlement Administrator to Mail Notice to Class Members	[within 21 days after the Preliminary Approval Date]
c.	Deadline for Class Members to Postmark Requests for Exclusion	[45 days after mailing of the Class Notice]
d.	Deadline for Class Members to submit any Objections to Settlement	[45 days after mailing of the Class Notice]
e.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	[52 days after mailing of the Class Notice]
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days prior to Final Approval and Fairness Hearing]
g.	Final Approval and Fairness Hearing	July 18, 2023 at 3 p.m.

13. If any of the dates in this Implementation Schedule fall on a weekend, bank or court holiday, the time to act shall be extended to the next business day.

IT IS SO ORDERED.

Dated: 4/4/23


HON. BRAD SELIGMAN
 Judge of the Superior Court,
 County of Alameda