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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA**

KETEMA NELSON, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

SANTINI FOODS, INC., a Texas
corporation; and DOES 1 through 100,

Defendants.

CASE NO. RG21090890

*[Case assigned for all purposes to the Hon.
Evelio Grillo, Dept. 21]*

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

Date: March 23, 2022
Time: 10:00 a.m.
Dept.: 21

Action Filed: March 4, 2021
Trial Date: None Set

1 The Motion of Plaintiff Ketema Nelson (“Plaintiff”) for Preliminary Approval of Class
2 Action Settlement came regularly for hearing before this Court on March 23, 2022, at 10:00 a.m.
3 The Court, having considered the proposed Stipulation of Settlement (the “Settlement”), attached
4 as Exhibit 1 to the Declaration of Fletcher W. Schmidt filed concurrently herewith; having
5 considered Plaintiff’s Motion for Preliminary Approval of Class Action Settlement,
6 Memorandum of Points and Authorities in support thereof, and supporting declarations filed
7 therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

8 1. The Court 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 by the Court at a Final Fairness Hearing. For purposes
11 of the Settlement, the Court finds that the proposed Settlement Class is ascertainable and that
12 there is a sufficiently well-defined community of interest among the members of the Settlement
13 Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants
14 conditional certification of the following Settlement Class:

15 All current and former non-exempt employees of Defendant Santini
16 Foods, Inc. (“Defendant”) in California who worked at any time
17 between October 15, 2018, and February 5, 2022 (the “Class
18 Period”), and who did not sign a separation agreement during the
Class Period.

19 2. For purposes of the Settlement, the Court designates named Plaintiff Ketema
20 Nelson as Class Representative and designates Paul K. Haines, Fletcher W. Schmidt, Andrew J.
21 Rowbotham of Haines Law Group, APC as Class Counsel.

22 4. The Court designates ILYM Group, Inc. as the third-party Settlement
23 Administrator for mailing notices.

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

27 6. The Court finds that the form of notice to the Settlement Class regarding the
28 pendency of the action and of the Settlement, and the methods of giving notice to members of the

1 Settlement Class constitute the best notice practicable under the circumstances, and constitute
2 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of
3 giving notice complies fully with the requirements of California Code of Civil Procedure § 382,
4 California Civil Code § 1781, California Rules of Court 3.766 and 3.769, the California and
5 United States Constitutions, and other applicable law.

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

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

12 9. The Court directs the Settlement Administrator to mail the Class Notice and
13 Dispute Form (collectively the "Notice Packet") to the members of the Settlement Class in
14 accordance with the terms of the Settlement. The Court directs the Settlement Administrator to
15 carry out all duties as required by the Settlement.

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

26 11. The Final Fairness Hearing on the question of whether the Settlement should be
27 finally approved as fair, reasonable, and adequate is scheduled in Department 21 of this Court,
28

located at 1221 Oak Street, Oakland, California 94612, on _____, 2022, at _____ a.m./p.m.

12. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for reasonable attorneys' fees, reimbursement of litigation expenses, enhancement payments to Plaintiff, settlement administration costs, and payment to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

13. Counsel for the parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of the Settlement, attorneys' fees, litigation expenses, Plaintiff's enhancement payment, settlement administration costs, and payment to the LWDA for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

14. The implementation schedule is provided below (assuming the Court signs this Order on March 23, 2022):

Event	Date
Defendant to provide Class Member information to the Settlement Administrator no later than [10 business days after preliminary approval]:	April 6, 2022
Settlement Administrator to mail Notice Packet to Class Members no later than [10 business days from receipt of Class Member information]:	April 20, 2022
Deadline for Class Members to request exclusion from, submit dispute, or object to the Settlement [60 calendar days from mailing of Notice Packet]:	June 20, 2022
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	July 22, 2022
Final Fairness Hearing:	_____, 2022, at _____ a.m. / p.m.

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

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

7 **IT IS SO ORDERED.**

8
9 Dated: _____, 2022

Honorable Evelio Grillo
Judge of the Superior Court