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VENTURA SUPERIOR COURT

JUN 07 2024

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Attorneys for Plaintiff LETICIA FLORES,
individually, and on behalf of others similarly
situated

VENTURA SUPERIOR COURT

FILED

06/17/2024

Brenda L. McCormick
Executive Officer and Clerk

Elizabeth Muller
Elizabeth Muller

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

LETICIA FLORES, individually, and on
behalf of others similarly situated,

Plaintiff,

vs.

JR & MRP ENTERPRISES, a corporation;
JAMES POWELL INC., a corporation;
JAMES R. POWELL, INC., a corporation;
JAMES POWELL, an individual; MARY
POWELL, an individual; and DOES 1 through
50, inclusive,

Defendants.

Case No.: 56-2021-00557205-CU-OE-VTA

[Assigned for All Purposes to the Honorable
Jeffrey G. Bennett, Dept. 21]

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
AND REPRESENTATIVE ACTION
SETTLEMENT**

29 *By FRL*
Date: May 8, 2024
Time: 8:30 a.m.
Dept.: 21

Action Filed: August 17, 2021
Trial Date: None set

1 Plaintiff Leticia Flores' ("Plaintiff") Motion for Preliminary Approval of Class and
2 Representative Action Settlement came on regularly for hearing on May²⁹~~8~~, 2024 at 8:30 a.m. in
3 the above-captioned Court, the Honorable Jeffrey G. Bennett presiding. Having reviewed
4 Plaintiff's motion and all papers submitted in support thereof, including the Class Action and
5 PAGA Settlement Agreement ("Agreement"), and good cause appearing, the Court hereby finds
6 and orders as follows:

7 1. The Court finds on a preliminary basis that the Settlement memorialized in the
8 Agreement appears to be fair, adequate, and reasonable, falls within the range of reasonableness,
9 and therefore meets the requirements for preliminary approval.

10 2. The Court provisionally certifies for settlement purposes only the following class:
11 all current and former non-exempt employees of JR & MRP Enterprises, James Power, Inc.,
12 James R. Powell, Inc., James Powell and Mary Powell (collectively "Defendants") who worked
13 for Defendants' McDonald's restaurants located 2605 Yosemite St., Simi Valley, CA and 2375
14 Tapo St., Simi Valley, CA, at any time during the period from August 17, 2017 through May 8,
15 2024 ("Class Period").

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

23 4. If, for any reason, the Settlement is not finally approved, the fact that the parties
24 were willing to stipulate to certification of a class as part of the Agreement shall have no bearing
25 on, and shall not be admissible in connection with, this Action or the issue of whether a class
26 should be certified in a non-settlement context.

27 5. The Court appoints, for settlement purposes only, Plaintiff Leticia Flores as class
28 representative.

6. The Court appoints, for settlement purposes only, Matern Law Group, PC, including Matthew J. Matern, Julia Z. Wells and Sean P. Hardy as Class Counsel.

7. The Court appoints Xpand Legal Consulting as the Administrator.

8. The Court approves as to form and content the Court Approved Notice of Class Action Settlement ("Class Notice") and the plan for distribution of the Class Notice to the Class Members. The Court finds that the notice plan as set forth in the Agreement is the best means practicable under the circumstances for providing notice to the Class Members, and when completed, shall constitute due and sufficient notice of the class action, the proposed Settlement, and the final approval hearing to all persons entitled to such notice, in full compliance with due process and the notice requirements of California Code of Civil Procedure § 877.6.

9. The Parties are ordered to carry out the Settlement according to the terms of the Agreement.

10. The Court sets the following implementation schedule:

Deadline for Defendants to provide the Class Data to Administrator	_____ 7 days after entry of Preliminary Approval Order
Deadline for Administrator to mail Class Notices to Settlement Class Members	_____ 10 days after receiving the Class Data from Defendants
Deadline for Class Members to object to Settlement or request exclusion ("Response Deadline")	_____ 45 days after Class Notice is mailed by the Administrator to Class Members
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement and respond to any objections	<u>August 6, 2024</u> 16 court days before the Final Approval Hearing
Final Approval Hearing	<u>August 28, 2024, at 8:30 a.m., Dept. 21</u>

III

III

1 IT IS SO ORDERED.

2 DATED: 06/12/2024, 2024

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HON. JEFFREY G. BENNETT Rebecca Riley
4 JUDGE OF THE SUPERIOR COURT
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PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years, and not a party to this action. My business address is 1230 Rosecrans Avenue, Suite 200, Manhattan Beach, California 90266.

On June 6, 2024, I served the following document(s):

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

☒ **By e-mail or electronic transmission.** I caused the documents to be sent to the person at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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ENTERPRISES; JAMES POWELL
INC.; JAMES R. POWELL, INC.;
JAMES POWELL; and MARY
POWELL

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 6, 2024, at Manhattan Beach, California.



Roxana Barcenás