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

KASSANDRA VASQUEZ, individually and
on behalf of all others similarly situated,

Plaintiffs,

vs.

RLMK, INC., dba MCDONALD'S, a
California Corporation; and DOES 1-50,
inclusive

Defendants.

CASE NO. VCU280653

Assigned to the Hon. Nathan Ide

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

Date: June 7, 2021
Time: 08:30 a.m.
Dept.: 2

1 This matter came on for hearing on June 7, 2021 at 08:30 a.m. in Department 2 of the
2 above-captioned court on the Motion for Preliminary Approval of Class Action Settlement, upon
3 the terms and conditions set forth in the Stipulation for Class Action Settlement (hereinafter
4 “Settlement Agreement”).

5 The Court, having fully reviewed the Motion for Preliminary Approval of Class Action
6 Settlement, the Memorandum of Points and Authorities and Declarations filed in support thereof,
7 the Settlement Agreement, including the proposed Notice of Class Action and Request for
8 Exclusion/Opt Out Form ("Notice Packet"), and in recognition of the Court's duty to make a
9 preliminary determination as to the reasonableness of any proposed class action settlement, and if
10 preliminarily determined to be reasonable, to ensure proper notice is provided to Settlement Class
11 Members in accordance with due process requirements, and to set a Final Approval Hearing to
12 consider the proposed Settlement Agreement as to the good faith, fairness, adequacy and
13 reasonableness of any proposed settlement, and having heard the argument of Counsel for the
14 respective parties, the Court **HEREBY MAKES THE FOLLOWING DETERMINATIONS**
15 **AND ORDERS:**

16 It appears to the Court on a preliminary basis that the Gross Settlement Amount (“GSA”)
17 is fair and reasonable to the Class Members when balanced against the probable outcome of
18 further litigation relating to class certification, the liability and damages issues involved, and the
19 potential for appeals. It further appears that sufficient investigation, research, and litigation has
20 been conducted such that counsel for the Parties at this time is able to reasonably evaluate their
21 respective positions. It further appears that the Settlement at this time will avoid substantial costs,
22 delay and risks that would be presented by the further prosecution of the litigation. It further
23 appears that the proposed Settlement has been reached as the result of intensive, serious and non-
24 collusive negotiations between the Parties. **ACCORDINGLY, GOOD CAUSE APPEARING,**
25 **THE MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT IS**
26 **HEREBY GRANTED, AND AS A PART OF SAID PRELIMINARY APPROVAL, THE**
27 **COURT HEREBY ORDERS THAT THE SETTLEMENT CLASS BE CONDITIONALLY**
28 **CERTIFIED FOR SETTLEMENT PURPOSES ONLY, AND THAT JAMES HAWKINS, APLC,**

1 BE CONDITIONALLY AND PRELIMINARILY APPOINTED CLASS COUNSEL. MORE
2 SPECIFICALLY, THE COURT FINDS AS FOLLOWS:

3 The Court finds on a preliminary basis that the Settlement between Plaintiff and
4 Defendants appear to be within the range of reasonableness of a settlement which could ultimately
5 be given final approval by this Court. The Court preliminarily finds that the terms of the
6 Settlement are fair, reasonable, and adequate, pursuant to Section 382 of the California Code of
7 Civil Procedure.

8 The Court notes that Defendants have agreed to a non-reversionary GSA of \$4,250,000.00.
9 Defendants will pay out the entirety of the GSA to the Participating Class Members and PAGA
10 Members, less deductions for attorneys' fees and costs, the service payment, reasonable expenses
11 of the third-party Settlement Administrator and the LWDA for PAGA penalties.

12 The Court finds that the elements of numerosity, commonality, typicality and adequacy
13 have been established to support conditional certification of the Settlement Class for settlement
14 purposes, with Plaintiff acting as the Class Representative.

15 The Court hereby appoints, for settlement purposes, Plaintiff as the Class Representative
16 and find Plaintiff is an adequate representative for the Settlement Class for settlement purposes.
17 The Court further finds that James Hawkins, APLC, has preliminarily established adequacy to be
18 appointed as Class Counsel and appoints them as Class Counsel.

19 The Class as identified in the Settlement is provisionally certified by this Order.

20 The Court finds that the proposed manner of class notice is adequate.

21 The Court approves ILYM Group, Inc., to serve as the Settlement Administrator.

22 The Court further hereby approves the proposed Notice of Class Action Settlement and
23 Request for Exclusion/Opt Out Form and Orders to the notice to be mailed to the Settlement Class.

24 The Court finds that the Notice of Class Action Settlement constitutes the best notice
25 practicable under the circumstances, is in full compliance with the laws of the State of California
26 and, to the extent applicable, the United States Constitution and the requirements of due process.
27 The Court further finds that the Notice of Class Action Settlement fully and accurately informs
28 Settlement Class Members of all material elements of the proposed Settlement, of each Settlement

1 Class Member's right to be excluded from the Settlement Class, and each Settlement Class
2 Member's right and opportunity to object to the proposed Settlement. The Notice of Class Action
3 Settlement adequately advises the Class about: the Class Action; the terms of the proposed
4 Settlement and the benefits available to each Settlement Class Member; each Settlement Class
5 Member's right to participate, submit an Opt-Out Form, or Objection to the proposed Settlement,
6 and the timing and procedures for doing so; the temporary and conditional certification of the
7 Settlement Class for settlement purposes only; preliminary Court approval of the proposed
8 Settlement; timing and procedures for distributing the Gross Settlement and the Individual
9 Settlement Payments to the Participating Class Members; and the date of the Final Approval
10 Hearing as well as the rights of the Settlement Class to file documentation in support of or in
11 opposition to and appear in connection with said hearing.

12 ACCORDINGLY, GOOD CAUSE APPEARING, THE COURT HEREBY APPROVES
13 THE PROPOSED CLASS NOTICE PACKET TO THE CLASS AND FINDS that mailing to the
14 last known address of the Settlement Class, as specifically described within the Settlement
15 Agreement, constitutes an effective method of notifying Settlement Class Members of their rights
16 with respect to the proposed Settlement. ACCORDINGLY, IT IS HEREBY ORDERED that:

17 3.1.1 Defendant shall within twenty-one (21) calendar days after entry of this
18 Order Granting Preliminary Approval shall provide the Settlement Administrator with, to the
19 extent Defendants have such information, the following: the full name; Last Known Address;
20 social security number; total number of actual workweeks from Defendants' employee database
21 for Settlement Class Members from October 2, 2015 to October 4, 2020; and either the total
22 number of actual workweeks from Defendants' employee database from October 5, 2020 to the
23 end of the Class Period, if possible, or Defendants will provide dates of employment to help
24 determine the number of workweeks from October 5, 2020 to the end of the Class Period, which
25 are to be calculated in accordance with paragraph 1.36. ("Class List").

26 3.1.2 IT IS FURTHER ORDERED that within twenty (20) calendar days after
27 receipt of the class list and data, the Settlement Administrator shall mail the Court-approved Class
28 Notice to all Settlement Class Members. The Class Notice will be mailed via first class mail

1 through the United States Postal Service. The envelope containing the Class Notice will bear the
2 following phrase in bold type, ¼ inch below the return address or ¼ inch above the addressee's
3 address: RETURN SERVICE REQUESTED. The envelope will also bear the following phrase in
4 the bottom left hand corner: IMPORTANT – R L M K, INC. CLASS ACTION SETTLEMENT
5 INFORMATION. PLEASE OPEN IMMEDIATELY. The Class Notice and its envelope or
6 covering will be marked to denote the return address of the Settlement Administrator as set forth
7 in the Class Notice. As provided above, Settlement Class Members will have until forty five (45)
8 calendar days from the initial mailing date of the Notice of Class Action Settlement to submit a
9 Request for Exclusion/Opt Out Form or objection. The Settlement Administrator will undertake a
10 Reasonable Address Verification to ascertain the accuracy of the Last Known Address of the
11 Settlement Class Member. To the extent this process yields an Updated Address, that Updated
12 Address will be treated as the Last Known Address for purposes of this Stipulation and for Class
13 Notice mailing.

14
15 IT IS FURTHER ORDERED that any Request for Exclusion Form or objection must be
16 postmarked no later than forty-five (45) days after the Notice of Class Action Settlement is mailed
17 to the Settlement Class Members.

18 IT IS FURTHER ORDERED that any dispute submitted by a Settlement Class Member
19 shall have forty-five (45) calendar days from the date the Notice of Class Action Settlement is
20 mailed to dispute the information in the Class Notice. The dispute must be submitted to the
21 Settlement Administrator by mail, postmarked on or before the Response Deadline. The dispute
22 must contain the case name and number of the Action (*Kassandra Vasquez v. RLMK, Inc. dba*
23 *McDonald's*, Tulare County Superior Court Case No. 280653), as well as the Settlement Class
24 Member's name, address, telephone number, last four (4) digits of his or her Social Security
25 number, and signature. The dispute must also contain a clear statement indicating that the
26 Settlement Class Member disputes the number of Workweeks credited to him or her.

27 IT IS FURTHER ORDERED that the Settlement Administrator must immediately serve
28 the objection on Class Counsel and Counsel.

1 IT IS FURTHER ORDERED that Settlement Class Members do not have to submit any
2 Claim Forms since this is not a claims-made settlement.

3 IT IS FURTHER ORDERED that the Final Approval Hearing shall be held on
4 _____ 2021 at 08:30 p.m. in Department 2 of the above captioned Courthouse to consider
5 the fairness, adequacy and reasonableness of the proposed Settlement preliminarily approved by
6 this Order Granting Preliminary Approval, and to consider the application of Class Counsel for an
7 award of attorneys' fees, costs, and class representative enhancement. The Court may continue
8 the Final Approval Hearing to another date at its discretion.

9 IT IS FURTHER ORDERED that all briefs and materials in support of an Order Granting
10 Final Approval and application for attorneys' fees and costs and class representative enhancement
11 shall be filed with this Court no later than sixteen (16) court days before the date set for the Final
12 Approval Hearing.

13 IT IS FURTHER ORDERED that, if for any reason the Court does not execute and file an
14 Order Granting Final Approval and Judgment, or if the Effective Date does not occur for any
15 reason whatsoever, the Settlement Agreement and the proposed Settlement which is the subject of
16 this Order and all evidence and proceedings had in connection therewith shall be without prejudice
17 to the status quo ante rights of the Parties to the litigation as more specifically set forth in the
18 Settlement Agreement.

19 IT IS FURTHER ORDERED that, pending further order of this Court, all proceedings in
20 this matter except those contemplated herein and in the Settlement Agreement are stayed.

21 The Court expressly reserves the right to adjourn or continue the Final Fairness Approval
22 Hearing from time to time without further notice to the Class.

23 **IT IS SO ORDERED.**

24
25 Dated: _____, 2021

Hon. Nathan Ide

JUDGE OF THE SUPERIOR COURT