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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

JUN 12 2026

BY: 
Leslie Zepeda, Deputy

Attorneys for Plaintiff MARCO LOPEZ,
on behalf of himself and others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

MARCO LOPEZ, on behalf of himself and
others similarly situated,

Plaintiff,

vs.

ANITA'S MEXICAN FOODS CORP.; and
DOES 1 to 100, inclusive,

Defendants.

Case No.: CIVSB2117291

CLASS ACTION

*[Assigned for all purposes to the
Hon. Joseph Ortiz, Dept. S17]*

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

Hearing Information:

Date: February 9, 2026

Time: 1:30 p.m.

Dept.: S-17

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

1 The Motion for Preliminary Approval of Class Action and PAGA Settlement came before this
2 Court on February 9, 2026, at 1:30 p.m. in Department S-17 of San Bernardino County Superior Court
3 located at 247 West Third St., San Bernardino, California 92415. The Court, having considered the
4 proposed Class Action and PAGA Settlement Agreement attached as **Exhibit 1** to the Declaration of
5 Malcolm Clayton in Support of Plaintiff's Motion for Preliminary Approval of Class Action and
6 PAGA Settlement, and the Exhibits attached thereto, the Stipulation to Amend the Class Action and
7 PAGA Settlement Agreement and Class Notice ("Stipulation"), Amendment No. 1 to the Class Action
8 and PAGA Settlement Agreement attached as **Exhibit A** to the Stipulation, the revised Class Notice
9 attached as **Exhibit B** to the Stipulation, the Motion for Preliminary Approval of Class Action and
10 PAGA Settlement filed by Plaintiff and the respective points and authorities and declarations
11 submitted by the parties in support thereof; and good cause appearing, HEREBY ORDERS THE
12 FOLLOWING:

13 The Court grants preliminary approval of the settlement as set forth in the Class Action and
14 PAGA Settlement Agreement and Amendment No. 1 to the Class Action and PAGA Settlement
15 Agreement (collectively, the "Settlement" or "Settlement Agreement") and finds the terms to be
16 within the range of reasonableness of a settlement that ultimately could be granted approval by the
17 Court at the Final Fairness Hearing. For purposes of the Settlement, the Court finds that the proposed
18 Settlement Class is ascertainable and that there is a sufficiently well-defined community of interest
19 among the Class in questions of law and fact. Therefore, for settlement purposes only, the Court
20 grants conditional certification of the following "Settlement Class" defined as follows:

21 All of Defendant's current and former non-exempt hourly-paid employees
22 employed by Defendant in the state of California who worked for Defendant
23 during the Class Period. The "Class Period" means the time between June
24 15, 2017, through June 6, 2025.

25 1. For purposes of the Settlement, the Court further designates named Plaintiff Marco
26 Lopez as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., Win Pham, Esq.,
27 Malcolm E. Clayton, Esq. of Lavi & Ebrahimian, LLP as Class Counsel.

- 1 2. The Court appoints Apex Class Action LLC as the Settlement Administrator.
- 2 3. A final fairness hearing on the question of whether the proposed Settlement should be
3 finally approved as fair, reasonable and adequate as to the members of the Settlement Class is
4 scheduled in Department S-17 of this Court, located at 247 W. Third St., San Bernardino, California
5 92415, on **August 17, 2026, at 1:30 p.m.** (“Final Hearing”).
- 6 4. At the Final Hearing, the Court will consider: (a) whether the Settlement should be
7 approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting approval of
8 the Settlement should be entered; and (c) whether Plaintiff’s application for an award of attorneys’
9 fees, reimbursement of litigation expenses, and class representative enhancement should be granted.
- 10 5. Class Counsel shall file memoranda, declarations, or other statements and materials in
11 support of their request for final approval by no later than 16 court days prior to the Final Hearing.
- 12 6. Class Counsel shall file a motion for an award of attorneys’ fees, reimbursement of
13 litigation expenses and class representative enhancement by no later than 16 court days prior to the
14 Final Hearing.
- 15 7. The Court approves, as to form and content, the revised Class Notice which is
16 attached to the Stipulation to Amend the Class Action and PAGA Settlement Agreement and Class
17 Notice as **Exhibit B** (hereinafter, the “Class Notice”).
- 18 8. Within thirty (30) calendar days after the entry of this Order, Defendant shall provide
19 the Settlement Administrator the name, last known mailing address, Social Security number of each
20 Settlement Class Member, along with their number of Class Period Workweeks and PAGA Pay
21 Periods, and any other information needed to calculate Individual Settlement Payments and
22 Individual PAGA Payments (“Class Data”).
- 23 9. Within seven (7) calendar days of receipt of the Class Data from Defendant, the
24 Settlement Administrator shall mail the Class Notice to all Settlement Class Members via first-class
25 U.S. mail.
- 26 10. Settlement Class Members shall have forty-five (45) calendar days from the date of
27 the postmark on the Class Notice, to return to the Settlement Administrator, Requests for Exclusion,
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1 disputes, or Objections (“Response Deadline”), however, Settlement Class Members whose Class
2 Notice is remailed will have an additional fourteen (14) calendar days.

3 11. The Court finds that the form of Class Notice to the Settlement Class regarding the
4 pendency of the action and of this Settlement, and the methods of giving notice to members of the
5 Settlement Class constitute the best notice practicable under the circumstances and constitute valid,
6 due, and sufficient notice to all members of the Settlement Class. They comply fully with the
7 requirements of California Code of Civil Procedure section 382, California Civil Code section
8 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
9 and other applicable law.

10 12. The Court further approves the procedures for Settlement Class Members to
11 participate in, opt out of, or object to the Settlement, as set forth in the Settlement Agreement and
12 Class Notice.

13 13. Any Participating Class Member who wishes to object in writing to the Settlement
14 may do so in writing by fax, email, or mail to the Administrator. To be valid, the Objection must:
15 (1) contain sufficient information to identify the person objecting; (2) state the grounds on which the
16 Participating Class Member is objecting as well as any documents or evidence supporting his or her
17 objection(s); and (3) be emailed, fax stamped, or postmarked by the Response Deadline and returned
18 to the Settlement Administrator at the specified email address, fax telephone number, or mailing
19 address stated in the Class Notice. If no written objection is submitted, the Participating Class
20 Member may still appear at the Final Hearing to object.

21 14. Settlement Class Members who wish to exclude themselves from the Settlement
22 must mail a written Request for Exclusion from the Settlement to the Settlement Administrator.
23 The written Request for Exclusion shall: (1) make a statement clearly indicating that the Settlement
24 Class Member wishes to be excluded; (2) contain the name and address or telephone number of the
25 person requesting exclusion; (3) be signed by the Settlement Class Member; (4) be made by the
26 Settlement Class Member or his/her representative; and (4) be emailed, postmarked or fax stamped
27 by the Response Deadline and returned to the Settlement Administrator at the specified email
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1 address, mailing address or fax telephone number stated in the Class Notice. However, the Request
2 for Exclusion will be valid unless it is not timely submitted. Any Settlement Class Member who
3 requests to be excluded from the Settlement Class will not be entitled to any recovery under the
4 Settlement, will not be bound by the terms of the Settlement, and will not have any right to object,
5 appeal, or comment thereon, except he or she shall receive his or her PAGA share of the settlement
6 if he or she is a PAGA Employee (since he or she cannot opt out of the PAGA settlement).

7 15. Pending the Final Hearing, all proceedings in this action, other than proceedings
8 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
9 Order, are stayed.

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

13 17. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendant to provide the Settlement Administrator the Class Data	Thirty days after the Court's entry of this Order
Notice Date: Last day for Settlement Administrator to mail Class Notice to Settlement Class Members.	7 calendar days after receipt of the Class Data from Defendant
Response Deadline: (i) Last day for Settlement Class Members to submit Requests for Exclusion; and (ii) last day for class members to submit Objections.	45 calendar days after the Settlement Administrator has postmarked the Class Notice for mailing to Settlement Class Members, or additional 14 calendar days for Settlement Class Members whose Class Notice is remailed.
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 court days prior to the Final Hearing
Last day for class counsel to file motion and supporting documents for final approval of class action settlement.	16 court days prior to the Final Hearing
Final Hearing on final approval of class action settlement.	Department S-17 of this Court, located at 247 W. Third St., San Bernardino, California 92415, on August 17, 2026 , at 1:30 p.m.

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1 18. The Final Hearing and related prior deadlines set forth above may, from time to time
2 and without further notice to the Settlement Class (except those who have filed timely and valid
3 objections), be continued or adjourned by Order of the Court.

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5 **IT IS SO ORDERED.**

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7 Dated: June 12, 2026

Joseph Ortiz
8 Hon. Joseph Ortiz
9 Judge of the Superior Court
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