

1 Joseph Lavi, Esq. (SBN 209776)
2 Vincent C. Granberry, Esq. (SBN 276483)
3 Cassandra A. Castro, Esq. (SBN 334238)
4 Antonia McKee, Esq. (SBN 344511)
5 Eve Howe, Esq. (SBN 350007)
6 **LAVI & EBRAHIMIAN, LLP**
7 8889 W. Olympic Blvd., Suite 200
8 Beverly Hills, CA 90211
9 Telephone: (310) 432-0000
10 Facsimile: (310) 432-0001
11 Email: jlavi@lelawfirm.com
12 vgranberry@lelawfirm.com
13 ccastro@lelawfirm.com
14 abliznets@lelawfirm.com
15 ehowe@lelawfirm.com
16 whats@lelawfirm.com

17 Attorneys for Plaintiff JOSE LUIS NUNEZ,
18 on behalf of himself and others similarly situated

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

21 JOSE LUIS NUNEZ, on behalf of himself and
22 others similarly situated,

23 Plaintiff,

24 vs.

25 E & T FOODS, INC. dba RANCH MARKET;
26 and DOES 1 to 100, inclusive,

27 Defendants.

Lead Case No.: 21STCV22410
Related Case No.: 21STCV30042

CLASS ACTION

*[Assigned for all purposes to the Honorable
Elihu M. Berle, SSC Dept. 6]*

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

[Filed concurrently with Revised Class Notice]

Hearing Information:

Date: October 23, 2023
Time: 2:30 p.m.
Dept.: SSC6

FILED
Superior Court of California
County of Los Angeles
10/25/2023

David W. Slayton, Executive Officer / Clerk of Court
By: M. Fregoso Deputy

1 The Motion for Preliminary Approval of Class Action and PAGA Settlement came before
2 this Court on October 23, 2023 at 2:30 p.m. in Department SSC6 of Los Angeles County Superior
3 Court located at 312 N. Spring St., Los Angeles, California 90012. The Court, having considered
4 the proposed Class Action and PAGA Settlement Agreement and Class Notice entered into by and
5 between Plaintiff Jose Luis Nunez (“Plaintiff”) and Defendant E & T Foods, Inc. dba Ranch Market
6 (“Defendant” or “E & T Foods”) attached as **Exhibit 1** to the Declaration of Antonia McKee in
7 Support of Plaintiff’s Motion for Preliminary Approval of Class Action and PAGA Settlement, and
8 the Exhibits attached thereto (hereafter collectively, the “Settlement” or “Settlement Agreement”);
9 having considered the Motion for Preliminary Approval of Class Action and PAGA Settlement filed
10 by the parties; having considered the respective points and authorities and declarations submitted by
11 the parties in support thereof; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

12 The Court grants preliminary approval of the settlement as set forth in the Settlement and
13 finds the terms to be within the range of reasonableness of a settlement that ultimately could be
14 granted approval by the Court at the Final Fairness Hearing. For purposes of the Settlement, the
15 Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-
16 defined community of interest among the Class in questions of law and fact. Therefore, for
17 settlement purposes only, the Court grants conditional certification of the following “Class” defined
18 as follows:

19 all current and former non-exempt, hourly employees of Defendant E & T
20 Foods, Inc. dba Ranch Market who worked for Defendant E & T Foods,
21 Inc. dba Ranch Market at any time during the Class Period, and who have
22 not previously released all known and unknown claims against Defendant
23 E & T Foods, Inc. dba Ranch Market.

- 24 1. The “Class Period” is the period from August 8, 2020 through November 27, 2022.
25 2. The “PAGA Period” is the period from August 8, 2020 through November 27, 2022.
26 3. For purposes of the settlement, the Court further designates named Plaintiff Jose
27 Luis Nunez as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., Cassandra
28 A. Castro, Esq., Antonia McKee, Esq. and Eve Howe, Esq. of Lavi & Ebrahimian, LLP, as Class

1 Counsel.

2 4. The Court appoints ILYM Group, Inc. as the Settlement Administrator.

3 5. A final fairness hearing on the question of whether the proposed settlement should
4 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
5 Department SSC6 of this Court, located at 312 N. Spring St., Los Angeles, California 90012, on
6 March 1, 2024, at 9 a.m.

7 6. At the final fairness hearing, the Court will consider: (a) whether the settlement
8 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
9 approval of the settlement should be entered; and (c) whether Plaintiff's application for an award of
10 Class Counsel Fees, Class Counsel Expenses, and Class Representative Service Payment should be
11 granted.

12 7. Counsel for the parties shall file memoranda, declarations, or other statements and
13 materials in support of their request for final approval by no later than December 27, 2023.

14 8. Class Counsel shall file a motion for an award of Class Counsel Fees, Class
15 Counsel Expenses, and Class Representative Service Payment by no later than December 27, 2023.

16 9. The Court approves, as to form and content, the Revised Class Notice, the original
17 of which is attached to the Settlement as **Exhibit A** and the revised version of which was
18 submitted following the hearing;

19 10. No later than November 13, 2023, Defendant shall provide the following information
20 to the Settlement Administrator: Class Member identifying information in Defendant's possession
21 including the Class Member's name, last-known mailing address, Social Security number, and
22 number of Class Period Workweeks and PAGA Pay Periods ("Class Data").

23 11. After receiving the Class Data, the Settlement Administrator shall disseminate the
24 Class Notice to all the Class Members identified in the Class Data by first-class U.S. Mail by
25 November 27, 2023.

26 12. Class Members shall have until January 29, 2024, sixty (60) calendar days from the
27 date the Settlement Administrator mails Notice to the Class Members, to fax, email, or mail
28 Requests for Exclusion from the Settlement or fax, email, or mail an Objection to the Settlement

1 (“Response Deadline”). Class Members to whom Notice Packets are resent after having been
2 returned undeliverable to the Administrator shall have an additional fourteen (14) calendar days
3 beyond the Response Deadline.

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

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

14 15. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
15 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not
16 later than 60 days after the Administrator mails the Class Notice, or January 29, 2024 (plus an
17 additional 14 days for Class Members whose Class Notice is re-mailed). A Request for Exclusion
18 is a letter from a Class Member or his/her representative that reasonably communicates the Class
19 Member’s election to be excluded from the Settlement and includes the Class Member’s name,
20 address and email address or telephone number. To be valid, a Request for Exclusion must be
21 timely faxed, emailed, or postmarked by the Response Deadline.

22 16. Participating Class Members may send written objections to the Administrator, by
23 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire
24 an attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A
25 Participating Class Member who elects to send a written objection to the Administrator must do
26 so not later than 60 days after the Administrator’s mailing of the Class Notice, or January 29,
27 2024 (plus an additional 14 days for Class Members whose Class Notice was re-mailed).
28

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

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

7 19. 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 Database	November 13, 2023
Notice Date: last day for Administrator to mail Class Notice to Class Members.	November 27, 2023
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections	January 29, 2024
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	December 27, 2023
Last day for parties to file motion and supporting documents for final approval of class action settlement.	December 27, 2023
Last day for the Parties to respond to Objections	February 16, 2024
Last day to file Administrator Report regarding the Outcome of the Notice	February 16, 2024
Hearing on final approval of class action settlement.	March 1, 2024 at 9:00 a.m.

21 20. The Fairness Hearing and related prior deadlines set forth above may, from time to
22 time and without further notice to the Class (except those who have filed timely and valid
23 objections), be continued or adjourned by Order of the Court.

24 **IT IS SO ORDERED.**

25 Dated: 10-25-23



26 **Elihu M. Berle**

27 Hon. Elihu M. Berle
28 Judge of the Superior Court
Elihu M. Berle / Judge