

1 KINGSLEY & KINGSLEY, APC  
2 ERIC B. KINGSLEY, Esq. (SBN 185123)  
3 *eric@kingsleykingsley.com*  
4 KELSEY M. SZAMET, Esq. (SBN 260264)  
5 *kelsey@kingsleykingsley.com*  
6 16133 Ventura Blvd., Suite 1200  
7 Encino, CA 91436  
8 (818) 990-8300, Fax (818) 990-2903

6 DAVTYAN LAW FIRM, INC.  
7 EMIL DAVTYAN, Esq. (SBN 299363)  
8 *emil@davtyanlaw.com*  
9 880 E. Broadway  
10 Glendale, CA 91205  
11 Tel: (818) 875-2008, Fax: (818) 722-3974

9 Attorneys for Plaintiff  
10 REGINALD ANTONIO CHAVIS JR.  
11 and the Proposed Classes

12 SUPERIOR COURT OF CALIFORNIA  
13 COUNTY OF SACRAMENTO

15 REGINALD ANTONIO CHAVIS JR.,  
16 an individual, on behalf of himself and  
17 others similarly situated,

17 PLAINTIFF,

18 v.

19 GROCERY OUTLET INC.; and  
20 DOES 1 thru 50, inclusive,

21 DEFENDANTS.

Case No. 34-2021-00309003

**[PROPOSED] ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION AND PAGA SETTLEMENT**

Date: February 17, 2023

Time: 9:00 a.m.

Dept.: 28

**Reservation Number: 2702097**

Complaint Filed: 9/29/2021

FAC Filed: 12/7/21

SAC Filed: 12/20/22

Trial Date: Not Set

24 Plaintiff Reginald Antonio Chavis, Jr.'s Motion for Preliminary Approval of Class Action  
25 and PAGA Settlement ("Motion") came before this Court on February 17, 2023, in Department 28  
26 before the Honorable Lauri A. Damrell, presiding. The Court having considered the papers  
27 submitted in support of the Motion and good cause appearing therefore,

28 IT IS HEREBY ORDERED:

1  
2           1.       The Court grants preliminary approval of the Settlement and the Settlement Class  
3 based upon the terms set forth in the Joint Stipulation of Class Action and PAGA Settlement and  
4 Release Between Plaintiff and Defendant (“Stipulation of Settlement”) filed with the Motion. All  
5 terms used herein shall have the same meaning as defined in the Stipulation of Settlement.

6           2.       The settlement set forth in the Stipulation of Settlement appears to be fair, adequate  
7 and reasonable to the Class. The Settlement falls within the range of reasonableness and appears  
8 to be presumptively valid, subject only to any objections that may be raised at the final fairness  
9 hearing and final approval by this Court.

10          3.       A final fairness hearing on the question of whether the proposed Settlement,  
11 attorneys’ fees to Class Counsel, costs of administration, and Class Representative’s Enhancement  
12 Award should be finally approved as fair, reasonable and adequate as to the members of the Class  
13 is scheduled in Department 28 on the date and time set forth in the Implementation Schedule in  
14 Paragraph 10 below.

15          4.       This Court approves, as to form and content, the Notice of Proposed Class Action  
16 Settlement and Hearing Date for Final Court Approval of Settlement (“Class Notice”) (Exhibit 1).  
17 The Court approves the procedure for Class Members to opt out of and to object to the Settlement  
18 as set forth in the Stipulation of Settlement and Class Notice.

19          5.       The Court directs the mailing of the Class Notice by first-class mail to the Class  
20 Members in accordance with the Implementation Schedule set forth in Paragraph 10 below. The  
21 Court finds the dates selected for the mailing and distribution of the Class Notice, as set forth in the  
22 Implementation Schedule, meet the requirements of due process and provide the best notice  
23 practicable under the circumstances and shall constitute due and sufficient notice to all persons  
24 entitled thereto.

25          6.       It is ordered that the Settlement Class is preliminarily certified for settlement  
26 purposes only.  
27  
28

7. The Court confirms Plaintiff Reginald Antonio Chavis, Jr. as Class Representative, and Eric B. Kingsley and Kelsey M. Szamet of Kingsley & Kingsley, APC, and Emil Davtyan of Davtyan Law Firm, Inc. as Class Counsel.

8. The Court confirms the appointment of XPand Legal as the Settlement Administrator.

9. To facilitate administration of the Settlement pending final approval, the Court hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or administrative proceedings (including filing claims with the Division of Labor Standards Enforcement of the California Department of Industrial Relations) regarding claims released by the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with the Settlement Administrator and the time for opting out of the class has elapsed.

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

|    |                                                                                                                                                     |                                                            |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| a. | Deadline for Defendant to Submit Class Member Information to Settlement Administrator                                                               | 30 calendar days after Order Granting Preliminary Approval |
| b. | Deadline for Settlement Administrator to Mail Class Notice to Class Members                                                                         | 45 calendar days after Order Granting Preliminary Approval |
| c. | Deadline for Class Members to Postmark Requests for Exclusion                                                                                       | 60 calendar days after mailing of Class Notice             |
| d. | Deadline for Receipt by Court, Settlement Administrator, and Counsel of any Objections to Settlement                                                | 60 calendar days after mailing of Class Notice             |
| e. | Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees and Costs, and Enhancement Awards | 16 Court days before Final Approval Hearing                |
| f. | Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing                                                     | 16 Court days before Final Approval Hearing                |
| g. | Deadline for Defendant to provide written Notice of Rescission of Settlement to Class Counsel (if applicable)                                       | 10 calendar days before Final Approval Hearing             |

|    |                                                                                                                                                                                                |                                                                                                                                                                |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| h. | Final Fairness Hearing and Final Approval                                                                                                                                                      | Date: _____, 2023<br>Time: _____<br>Department: _____                                                                                                          |
| i. | Deadline for Defendant to fund settlement                                                                                                                                                      | 30 calendar days after Effective Date                                                                                                                          |
| j. | Deadline for Settlement Administrator to mail Settlement Awards and Enhancement Award, and to wire transfer Attorneys' Fees and Costs (if Settlement is Effective)                             | 35 calendar days after Effective Date                                                                                                                          |
| k. | Deadline for Class Members to cash Settlement checks (if Settlement is Effective)                                                                                                              | 180 calendar days after Settlement Administrator mails Settlement Awards and Enhancement Awards                                                                |
| l. | Deadline for Settlement Administrator to distribute uncashed Settlement checks amount to <i>cy pres</i> beneficiary (if Settlement is Effective)                                               | Within 14 calendar days after deadline for class members to cash Settlement checks                                                                             |
| m. | Settlement Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs, <i>cy pres</i> payment, and payment to LWDA (if Settlement is Effective) | Within 21 calendar days after deadline for Settlement Administrator to pay any unclaimed residue from uncashed Settlement checks to <i>cy pres</i> beneficiary |

**IT IS HEREBY ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

(PROOF OF SERVICE)  
[CCP 1013(a)(3)]  
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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 the within action. My business address is 16133 Ventura Boulevard, Suite 1200, Encino, California 91436.

On January 25, 2023, I served all interested parties in this action the following documents described as: **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

**JACKSON LEWIS P.C.**

Cary G. Palmer

[cary.palmer@jacksonlewis.com](mailto:cary.palmer@jacksonlewis.com)

Erika M. Barbara

[erika.barbara@jacksonlewis.com](mailto:erika.barbara@jacksonlewis.com)

400 Capitol Mall, Suite 1600

Sacramento, CA 95814

**DAVTYAN LAW FIRM, INC.**

Emil Davtyan

[emil@davtyanlaw.com](mailto:emil@davtyanlaw.com)

400 N. Brand Blvd., Suite 700

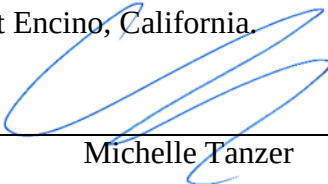
Glendale, CA 91203

☐ **(BY MAIL):** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage fully prepaid at Encino, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **(BY ELECTRONIC MAIL TRANSMISSION):** I caused the document to be send to the persons at the e-mail address(es) listed on the attached service list. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. A pdf copy of which was sent via email to the above email address(es).

☒ **(STATE):** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 25, 2023, at Encino, California.

  
\_\_\_\_\_  
Michelle Tanzer