

**KINGSLEY & KINGSLEY, APC**  
ERIC B. KINGSLEY, Esq. (SBN 185123)  
eric@kingsleykingsley.com  
KELSEY M. SZAMET, Esq. (SBN 260264)  
kelsey@kingsleykingsley.com  
16133 Ventura Blvd., Suite 1200  
Encino, CA 91436  
Tel: (818) 990-8300, Fax (818) 990-2903

Attorneys for Plaintiff and the Proposed Class

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF SISKIYOU**

MARIA GLORIA F. GUINTO, an individual,  
on behalf of herself and others similarly  
situated

PLAINTIFF,

v.

C&K MARKET, INC.; and DOES 1 thru 50,  
inclusive,

DEFENDANTS.

CASE NO. SCCV-CVCV-2021-0964

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

Date: May 4, 2023

Time: 9:30 a.m.

Dept.: 2

Complaint Filed: September 1, 2021

Trial Date: None Set

1           The Motion for Preliminary Approval of the Class Action and PAGA Settlement  
2 Agreement and Class Notice (“Agreement”), a copy of which is attached as to the Declaration of  
3 Kelsey M. Szamet as Exhibit “1”, originally came before this Court on February 23, 2023 and was  
4 continued to April 6, 2023 and May 4, 2023. The Court, having considered the papers and  
5 supplemental filings submitted in support of the motion of the parties, **HEREBY ORDERS THE**  
6 **FOLLOWING:**

7           1.       The Court grants preliminary approval of the Agreement and the Class based upon  
8 the terms set forth in the Agreement filed herewith. The Settlement is fair, adequate, and  
9 reasonable to the Class. The Court finds that: (a) the Agreement resulted from extensive arm’s  
10 length negotiations; and (b) the Agreement is sufficient to warrant notice of the Settlement to  
11 persons in the Class and a full hearing on the final approval of the Settlement.

12           2.       “Class” means all individuals who are employed or have been employed as an  
13 hourly employee by C&K MARKET, INC., in the State of California who worked one or more  
14 pay periods during the Class Settlement Period.

15           3.       The “Class Settlement Period” is September 1, 2017 through September 19, 2022.

16           4.       “Aggrieved Employee” or “PAGA Member” means all individuals who are  
17 employed or have been employed as an hourly employee by C&K MARKET, INC., in the State  
18 of California who worked one or more pay periods during the PAGA Settlement Period.

19           5.       The “PAGA Settlement Period” means the period from September 1, 2020 through  
20 September 19, 2022.

21           6.       The Settlement falls within the range of reasonableness and appears to be  
22 presumptively valid, subject only to any objections that may be raised at the final fairness hearing  
23 and final approval by this Court.

24           7.       The Court makes the following preliminary findings for settlement purposes  
25 only:

26                   A.       The Class, which consists of approximately 1,024 persons, is so numerous  
                          that joinder of all members is impracticable;

27                   B.       There appear to be questions of law or fact common to the Class for  
28 purposes of determining whether this Settlement should be approved;

- 1 C. Plaintiff's claims appear to be typical of the claims being resolved through  
the proposed settlement;
- 2 D. Plaintiff appears to be capable of fairly and adequately protecting the  
3 interests of the Class Members in connection with the proposed settlement;
- 4 E. Common questions of law and fact appear to predominate over questions  
5 affecting only individual persons in the Class. Accordingly, the Class  
appears to be sufficiently cohesive to warrant settlement by representation;  
and
- 6 F. Certification of the Class appears to be superior to other available methods  
7 for the fair and efficient resolution of the claims of the Class.

8 8. The Court approves, as to form and content, the Notice to Class Members in  
9 substantially the form attached to the Agreement as Exhibit A (Class Notice) as amended by this  
10 Order.

11 9. The Court approves the procedure for Class Members to object to the Settlement as  
12 set forth in the Class Notice to Class Members.

13 10. The Court approves the procedure for Class Members to become Participating Class  
14 Members as set forth in the Notice to Class Members.

15 11. The Court directs the mailing of the Notice to Class Members by first class mail to  
16 the Class Members in accordance with the Implementation Schedule set forth below. The Court  
17 finds that the dates selected for the mailing and distribution of the Notice, as set forth in the  
18 Implementation Schedule, meet the requirements of due process and provide the best notice  
19 practicable under the circumstances and shall constitute due and sufficient notice to all persons  
20 entitled thereto.

21 12. The Court confirms Kingsley & Kingsley, APC as Class Counsel.

22 13. The Court confirms the named Plaintiff in the operative complaint in the Action as  
23 the Class Representative. The Court preliminarily approves a Class Representative Service  
24 Payment of \$20,000 to Plaintiff GUINTO.

25 14. The Court approves Xpand Legal as the Administrator.

26 15. The Court orders that pursuant to the California Private Attorneys General Act,  
27 Labor Code §§ 2698, *et seq.* ("PAGA"), statutory notice of this Settlement has been and will  
28 continue to be given to the Labor & Workforce Development Agency.

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

|    |    |                                                                 |                   |
|----|----|-----------------------------------------------------------------|-------------------|
| 2  | a. | Preliminary Approval                                            | May 4, 2023       |
| 3  | b. | Deadline for Defendant to Provide Class Data to Administrator   | 15 business days  |
| 4  |    |                                                                 | from Preliminary  |
| 5  | c. | Mail Notice to Class Members                                    | Approval          |
| 6  |    |                                                                 | 14 calendar days  |
| 7  |    |                                                                 | from              |
| 8  | d. | Deadline for Class Members to Postmark Any Opt-Out              | Administrator's   |
| 9  |    |                                                                 | receipt of Class  |
| 10 |    |                                                                 | Data              |
| 11 | e. | Deadline for Class Members to Postmark Any Objection            | 60 calendar days  |
| 12 |    |                                                                 | from mailing of   |
| 13 |    |                                                                 | Notice Packet     |
| 14 | f. | Deadline for Class Counsel to file Motion for Final Approval of | (judged by        |
| 15 |    | Class Settlement                                                | postmark date)    |
| 16 | g. | Deadline for Class Counsel to file Motion for Class Counsel     | 60 calendar days  |
| 17 |    | Award                                                           | from mailing of   |
| 18 |    |                                                                 | Notice Packet     |
| 19 | h. | Final Approval Hearing                                          | (judged by        |
| 20 |    |                                                                 | postmark date)    |
| 21 |    |                                                                 | August 15, 2023   |
| 22 |    |                                                                 | (16 Court days    |
| 23 |    |                                                                 | prior to hearing) |
| 24 |    |                                                                 | August 15, 2023   |
| 25 |    |                                                                 | (16 Court days    |
| 26 |    |                                                                 | prior to hearing) |
| 27 |    |                                                                 | To be determined  |
| 28 |    |                                                                 | by the Court      |
|    |    |                                                                 | September 7,      |
|    |    |                                                                 | 2023              |

17.     IT IS FURTHER ORDERED that the Court will hold a Case Management Conference on September 7, 2023 at 9:30 in conjunction with the Final Approval Hearing.

18.     IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final Approval and Judgment, or if the Effective Date of Settlement, as defined in the Agreement, does not occur for any reason, the Agreement and the proposed Settlement that is the subject of this Order shall become null, void, unenforceable and inadmissible in any judicial, administrative or arbitral proceeding for any purpose, and all evidence, court orders and proceedings had in connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more specifically set forth in the Agreement.

1           19. IT IS FURTHER ORDERED that, pending further Order of this Court, all  
2 proceedings in this matter except those contemplated herein and in the Agreement are hereby  
3 stayed.

4           20. The Court expressly reserves the right to adjourn or continue the Final Fairness  
5 Hearing from time to time without further notice to members of the Class.

6  
7 **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 May 4, 2023, I served all interested parties in this action the following documents described as: **[PROPOSED] AMENDED ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Grace Y. Horoupian  
[ghoroupian@fisherphillips.com](mailto:ghoroupian@fisherphillips.com)  
**FISHER & PHILLIPS LLP**  
2050 Main Street, Suite 1000  
Irvine, California 92614

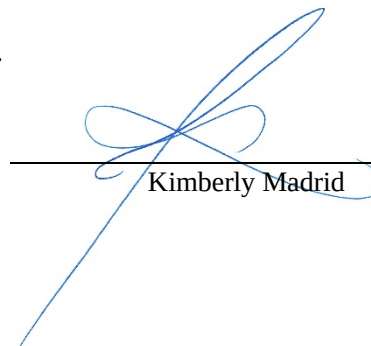
Gregory L. Blueford  
[gblueford@fisherphillips.com](mailto:gblueford@fisherphillips.com)  
**FISHER & PHILLIPS LLP**  
621 Capitol Mall, Suite 1400  
Sacramento, California 95814

☐ **(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 below 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 May 4, 2023, at Encino, California.

  
\_\_\_\_\_  
Kimberly Madrid