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Attorney for Plaintiff and the Putative Class

RECEIVED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

MAY 18 2023

Jasmin Bolanos

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUN 13 2023

BY Jessica Garcez
JESSICA GARCEZ, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

SAN BERNARDINO JUSTICE CENTER

GERARDO MARTINEZ, individually, and
on behalf of all others similarly situated,

Plaintiff,

v.

INVAPHARM, INC., a California
corporation; and DOES 1 through 50,
inclusive

Defendants.

CASE NO.: CIVSB2133820

[Hon. Joseph T. Ortiz, Dept. S-17]

**[PROPOSED] PRELIMINARY
APPROVAL ORDER**

1 **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL**

2 The Court now has before it, Plaintiff's unopposed Motion for Preliminary Approval of Class
3 Action Settlement ("Motion"). After reviewing the Motion, the Class Action and PAGA Settlement
4 Agreement and Release ("Settlement Agreement") and exhibits attached thereto, and good cause
5 appearing therefore, the Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the settlement memorialized in the
7 Settlement Agreement appears to be fair and adequate, and falls within the range of reasonableness,
8 and therefore meets the requirement for preliminary approval.

9 2. The Court conditionally certifies for settlement purposes the following class (the
10 "Class" or "Settlement Class"):

11 All non-exempt employees who were employed by Invapharm, Inc. in the State of
12 California, at any time from December 10, 2017, through the date of preliminary
13 approval.

14 The Class Period is from December 10, 2017, through the date of preliminary approval.

15 3. The Court conditionally approves for settlement purposes the PAGA allocation of this
16 settlement to the California Labor and Workforce Development Agency ("LWDA") and PAGA
17 Members.

18 The PAGA Period is from October 6, 2020 through preliminary approval.

19 4. The Court finds, for settlement purposes, that the Class meets the requirements for
20 certification under California Code of Civil Procedure § 382 in that: (1) the Class is so numerous that
21 joinder is impractical; (2) there are questions of law and fact that are common, or of general interest,
22 to the Class, which predominate over any individual issues; (3) Plaintiff's claims are typical of the
23 claims of the Class; (4) Plaintiff and Plaintiff's counsel will fairly and adequately protect the interests
24 of the Class; and (5) a class action is superior to other available methods for the fair and efficient
25 adjudication of the controversy.

26 5. The Court appoints, for settlement purposes, Plaintiff Gerardo Martinez as
27 Representative for the Class.

28 6. The Court appoints, for settlement purposes, the Law Office of Scott E. Wheeler as

Counsel for the Class.

7. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

8. The Court appoints Phoenix Settlement Administrators ("Phoenix") as the Settlement Administrator and is ordered to carry out the administration of the settlement according to the terms of the Settlement Agreement.

9. The Court approves as to form and content of the Class Action and PAGA Settlement Notice. The Court finds that the dates selected for the mailing and distribution of the Notice Packet meet the requirements of due process, provide the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

10. If any Class Member objects to the Settlement Agreement, the objecting party is not required, either personally or through counsel: 1) to appear at the hearing on the motion for final approval for that party's objection to be considered; or 2) to file or serve, or to state in the objection, a notice of intention to appear at the hearing on the motion for Final Approval of the Class Settlement.

11. Phoenix, the Settlement Administrator, shall provide notice to any objecting party of any continuance of the hearing of Plaintiff's Motion for Final Approval.

12. The Parties are ordered to carry out the Settlement according to the following implementation schedule:

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	June 27, 2023
Last day for Settlement Administrator, Phoenix to mail Class Notice	July 7, 2023
Last day for Class Members to submit a dispute regarding Workweeks, Request for Exclusion, or written Objection	August 22, 2023
Last Day for Plaintiff to file Motion for Final Approval of the Class Settlement, Attorneys' Fees and Costs and Class Representative Service Award	Per Code.
Final Approval Hearing	To Be Determined 11/27/23

13. The Court finds that the method of giving notice to the Class constitutes the best means practicable of providing notice under the circumstances. The Court further finds that the Notice Packet and the method of giving notice to the Class meet the requirements of California Code of Civil Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, and due process under the California and United States Constitutions, and other applicable law.

14. At the Final Approval Hearing, the Court will consider whether the Settlement should be finally approved as fair, reasonable and adequate, whether a final judgment should be entered, and whether the payments provided for under the Settlement, including attorneys' fees and costs and class representative service award, should be finally approved and granted.

15. Pending the Final Approval Hearing, all proceedings in this Action, other than proceedings necessary to implement the Settlement and this Order, are stayed.

IT IS SO ORDERED.

JUN 13 2023

DATED:

JOSEPH T. ORTIZ

HONORABLE JOSEPH T. ORTIZ
JUDGE OF THE SUPERIOR COURT