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Attorneys for Plaintiff Alejandro Ramirez
and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

ALEJANDRO RAMIREZ, on behalf of
himself and on behalf of all similarly
situated individuals,

Plaintiff,

v.

DE ANDA ENTERPRISES, INC., a
California corporation, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: 30-2021-01232142-CU-OE-CXC

*Assigned for all purposes to the Hon. William
Claster, Dept. CX104*

**[PROPOSED] ORDER (1) GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND (2)
GRANTING LEAVE TO FILE FIRST
AMENDED COMPLAINT**

**Date: May 5, 2023
Time: 9:00 a.m.
Dept.: CX104**

Reservation # 73983637

Complaint Filed: November 16, 2021

1 Plaintiff Alejandro Ramirez's ("Plaintiff") Unopposed Motion for Preliminary Approval of
2 Class Action Settlement and for Leave to File First Amended Complaint came on for hearing before
3 this Court in Department CX104, Judge William Claster presiding, on May 5, 2023 at or about 9:00
4 a.m. The Court, having considered the papers submitted in support of the motion and having heard
5 oral argument of the parties, **HEREBY ORDERS THE FOLLOWING:**

6 1. The Court grants preliminary approval of the settlement based upon the terms set
7 forth in the Settlement Agreement and Release of Claims ("Settlement") filed with the Court. The
8 settlement appears to be fair, adequate, and reasonable for the Class;

9 2. The settlement falls within the range of reasonableness and appears to be
10 presumptively valid, subject only to any objections that may be raised at the final hearing;

11 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
12 Class Action Settlement and Final Hearing ("Notice"), attached to the Settlement as Exhibit 1, the
13 Request for Exclusion ("Exclusion Form"), attached to the Settlement as Exhibit 2; and the
14 Workweek Dispute Form ("Dispute Form"), attached to the Settlement as Exhibit 3;

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

21 5. It is ordered that the settlement class is preliminarily certified for settlement
22 purposes only. The Settlement Class is defined as follows: all persons who are or were employed
23 in California by Defendant as non-exempt employees at any point from November 16, 2017 through
24 November 30, 2022;

25 6. The Court approves and appoints Daniel F. Gaines and Alex P. Katofsky of Gaines
26 & Gaines, APLC as Class Counsel, and grants preliminary approval of an award of attorneys' fees
27 of up to 33-1/3% of the Maximum Payment (or \$50,000) and documented litigation costs of up to
28 \$12,000 to Class Counsel, subject to final approval by the Court following a further motion by

1 Class Counsel;

2 7. The Court approves and appoints Plaintiff Alejandro Ramirez as the Class
3 Representative and grants preliminary approval to a proposed Class Representative Service
4 Payment in an amount not to exceed \$5,000;

5 8. The Court grants preliminary approval of the Private Attorneys General Act
6 payment of \$7,500 to the Labor and Workforce Development Agency;

7 9. The Court hereby approves Phoenix Settlement Administration as the Settlement
8 Administrator and grants preliminary approval of the payment of fees and other charges of the
9 Settlement Administrator in an amount not to exceed \$5,000;

10 10. The Court grants Plaintiff leave to file the First Amended Class and Representative
11 Action Complaint attached as Exhibit 4 to the Settlement, within five (5) court days of the entry of
12 this Order, and consents that Defendant is not required to file a responsive pleading thereto; and

13 11. The Court orders the following schedule of dates for the specified actions/further
14 proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including their last known addresses, telephone numbers, social security numbers, and their dates of employment in a non-exempt position in California during the Class Period ("Settlement Class Information")	30 calendar days after entry of Court's Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail the Notice, the Exclusion Form, and the Dispute Form to Class Members via U.S. Mail	14 calendar days after Settlement Administrator's receipt of Settlement Class Information
Last day for Class Members to submit a written Exclusion Form, Objection, and/or Dispute Form to Settlement Administrator	60 calendar days after the initial mailing of the Class Notice to Class Members
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys' fees and costs	_____, 2023

<u>EVENT</u>	<u>TIMING</u>
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice, the Exclusion Form, and the Dispute Form	_____, 2023
Final settlement approval hearing	_____, 2023, at _____. The Parties suggest the final approval hearing be held approximately 150 days after this preliminary approval order is signed.

Dated: _____

JUDGE OF THE SUPERIOR COURT