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Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

SKYLAR WARFIELD, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

PROJECT M WORLDWIDE L.P. DBA
MCDONALD'S, a California corporation, PMW
ACQUISITION, L.P. DBA MCDONALD'S, a
California corporation, SAMOD, L.P. DBA
MCDONALD'S, a California corporation, and
DOES 1 through 10, inclusive,

Defendants.

ELECTRONICALLY RECEIVED
Superior Court of California,
County of San Diego
JUL 4 2024 1:05:10 PM
Clerk of the Superior Court
By: [Signature] Deputy Clerk

FILED
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JUL -5 2024

By: T. Abas

Case No.: 37-2021-00046190-CU-OE-CTL

CLASS ACTION

[Assigned for all purposes to: Hon. Gregory
W. Pollack, Dept. C-71]

**PROPOSED ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

PRELIMINARY APPROVAL HEARING

Date: July 5, 2024
Time: 9:30 a.m.
Dept: C-71

1 The Court has before it Plaintiffs Skylar Warfield and Gloria Serrano's ("Plaintiffs")
2 Motion for Preliminary Approval of Class Action Settlement. Having reviewed the Motion for
3 Preliminary Approval of Class Action Settlement, the Declarations Justin F. Marquez, Douglas
4 W. Perlman, and Farzad Rastegar, the Declarations of Skylar Warfield and Gloria Serrano, and
5 the Class Action and PAGA Settlement Agreement and Class Notice (which is referred to here
6 as the "Settlement Agreement"), and good cause appearing, the Court hereby finds and orders
7 as follows:

8 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
9 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
10 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
11 the terms set forth in the Settlement Agreement between Plaintiffs and Defendants Project M.
12 Worldwide, L.P., PMW Acquisition, L.P., and Samod, L.P. (collectively, "Defendants"),
13 attached to the Declaration of Justin F. Marquez in Support of Plaintiff's Motion for Preliminary
14 Approval of Class Action Settlement as Exhibit 1.

15 2. The Settlement falls within the range of reasonableness of a settlement which
16 could ultimately be given final approval by this Court, and appears to be presumptively valid,
17 subject only to any objections that may be raised at the Final Approval Hearing and final
18 approval by this Court. The Court notes that Defendants have agreed to create a common fund
19 of \$2,100,000 to cover (a) settlement payments to class members who do not validly opt out;
20 (b) a \$30,000.00 payment to the State of California, Labor & Workforce Development Agency
21 for its share of the settlement of claims for penalties under the Private Attorneys General Act,
22 with 75% of which (\$22,500.00) will be paid to the LWDA and 25% (\$7,500.00) will be paid
23 to eligible Aggrieved Employees; (c) Class Representative service payment of up to \$10,000.00
24 for each of the plaintiffs, Skylar Warfield and Gloria Serrano; (d) Class Counsel's attorneys'
25 fees, not to exceed 33 1/3% of the Gross Settlement Amount (\$700,000.00), and up to
26 \$25,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement
27 Administration Costs of up to \$25,000.00.

28 ///

1 3. The Court preliminarily finds that the terms of the Settlement appear to be within
2 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
3 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair
4 and reasonable to the class members when balanced against the probable outcome of further
5 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
6 significant informal discovery, investigation, research, and litigation have been conducted such
7 that counsel for the parties at this time are able to reasonably evaluate their respective positions;
8 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
9 by the further prosecution of the litigation; and (4) the proposed settlement has been reached as
10 the result of intensive, serious, and non-collusive negotiations between the Parties with the
11 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
12 that the Settlement Agreement was entered into in good faith.

13 4. A final fairness hearing on the question of whether the proposed settlement,
14 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &
15 Workforce Development Agency for its share of the settlement of claims for penalties under the
16 Private Attorneys General Act, and the class representatives' service award should be finally
17 approved as fair, reasonable and adequate as to the members of the class is hereby set in
18 accordance with the Implementation Schedule set forth below.

19 5. The Court provisionally certifies for settlement purposes only the following class
20 (the "Settlement Class"): "all persons employed by Defendants in California and classified as a
21 non-exempt or hourly-paid employee who worked for Defendants during the Class Period."

22 6. "Class Period" means the period from October 29, 2017 to the respective date of
23 sale of Defendants' California restaurant locations (date of sale for restaurant location number
24 5204, 5449, 5579, 25166, and 25567 is December 30, 2019, date of sale for restaurant locations
25 number 1230, 2902, 3929, 11206, and 34847 is May 1, 2022.

26 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
27 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
28 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions

1 of law and fact that are common, or of general interest, to all Settlement Class Members, which
2 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the
3 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
4 the interests of the Settlement Class Members; and (5) a class action is superior to other
5 available methods for the fair and efficient adjudication of the controversy.

6 8. The Court appoints as Class Representative, for settlement purposes only,
7 Plaintiffs Skylar Warfield and Gloria Serrano. The Court further preliminarily approves
8 Plaintiffs' ability to request a service award up to \$10,000.00 each.

9 9. The Court appoints, for settlement purposes only, Justin F. Marquez and Arsiné
10 Grigoryan of Wilshire Law Firm, PLC and Farzad Rastegar and Douglas W. Perlman of
11 Rastegar Law Group, APC as Class Counsel. The Court further preliminarily approves Class
12 Counsel's ability to request attorneys' fees of up to one-third of the Total Settlement Amount
13 (\$700,000.00), and costs not to exceed \$25,000.00.

14 10. The Court appoints CPT Group, Inc. as the Settlement Administrator with
15 reasonable administration costs estimated not to exceed \$25,000.00.

16 11. The Court approves, as to form and content the Class Notice, attached to the
17 Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the
18 Notice to Settlement Class Members satisfies due process, provides the best notice practicable
19 under the circumstances, and shall constitute due and sufficient notice to all persons entitled
20 thereto.

21 12. The parties are ordered to carry out the Settlement according to the terms of the
22 Settlement Agreement.

23 13. Any class member who does not timely and validly request exclusion from the
24 settlement may object to the Settlement Agreement.

25 14. The Court orders the following Implementation Schedule:

26
27 Defendants to provide Class List to the

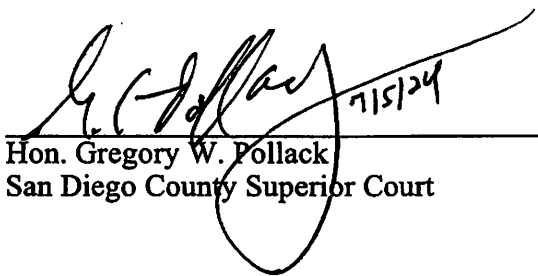
15 days after notice of entry of the Court's

Settlement Administrator	order granting Motion for Preliminary Approval
Settlement Administrator to mail the Notice Packets	14 days after receipt of the Class List from the Defendant
Response Deadline	60 days after Notice is mailed out by the Settlement Administrator
Deadline to Provide Written Objections, if any	60 days after Notice is mailed out by the Settlement Administrator
Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Award to Plaintiff	16 court days before hearing on Motion for Final Approval, which is <u>11/15/24</u> ;
Final Approval Hearing	11/14/24 11/15/24 at 9:30 a.m./p.m., or first available date thereafter, in Department C-71. The hearing may be continued to another date without further notice to the Class Members.

15. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

IT IS SO ORDERED.

DATE:


Hon. Gregory W. Pollack
San Diego County Superior Court

PROOF OF SERVICE

Warfield v. Project M Worldwide L.P. DBA McDonald's, et al.
37-2021-00046190-CU-OE-CTL

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Sandy S. Sespene, am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 3055 Wilshire Blvd., 12th Fl., Los Angeles, California 90010. My electronic service address is ssespene@wilshirelawfirm.com.

On June 11, 2024, I served the foregoing **[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

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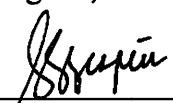
Attorneys for Plaintiff Gloria Serrano

Attorneys for Defendants

- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.
- (X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this **June 11, 2024**, at Los Angeles, California.



Sandy S. Sespene

Superior Court of California
County of San Diego
PO BOX 122724
SAN DIEGO CA 92112-2724

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