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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SONOMA

MARY ANN MARARAC, as an individual and
on behalf of other similarly situated employees,

Plaintiff,

vs.

POPPY BANK, a California corporation, and
DOES 1-50, inclusive,

Defendants.

Case No. SCV-270165

Assigned to the Hon. Oscar A. Pardo

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

Date:
Time:
Place: Department 19

Complaint Filed: February 8, 2022
Trial Date: None Set

1 **ORDER**

2 On _____, this Court conducted a hearing on Plaintiff's Motion for Preliminary Approval of
3 the Class Action and PAGA Settlement (the "Motion"). Having considered the Motion and the points
4 and authorities submitted in support of the Motion, including the Joint Stipulation of Class Action and
5 PAGA Settlement and Release ("Settlement Agreement" or "Settlement"), and **GOOD CAUSE**
6 appearing, **IT IS HEREBY ORDERED** that the Motion is **GRANTED**, subject to the following
7 findings and orders:

8 1. This Order incorporates by reference the Settlement Agreement, and unless indicated
9 otherwise, all capitalized terms used herein will have the same meaning as set forth in the Settlement
10 Agreement.

11 2. The Settlement Class shall be conditionally certified for settlement purposes only and
12 shall consist of all persons who were employed by Defendant in the State of California in non-exempt
13 positions at any time during the period from February 8, 2018 through July 12, 2024.

14 3. The class action settlement set forth in the Settlement Agreement, entered into among
15 the Parties and their counsel, is preliminarily approved as it appears to be proper, to fall within the range
16 of reasonableness, to be the product of arm's-length and informed negotiations, to treat all Class
17 Members fairly, and to be presumptively valid, subject only to any objections that may be raised at or
18 before the final approval hearing.

19 4. The Court further finds that Plaintiff conducted extensive investigation and research, and
20 that she was able to reasonably evaluate her position and the strengths and weaknesses of her claims and
21 her ability to certify them. Plaintiff has provided the Court with enough information about the nature and
22 magnitude of the claims being settled, as well as the impediments to recovery, to make an independent
23 assessment of the reasonableness of the terms to which the Parties have agreed.

24 5. The Court also finds that settlement now will avoid additional and potentially substantial
25 litigation costs, as well as delay and risks if the Parties were to continue to litigate the Action.

26 6. The Court preliminarily approves the Settlement Agreement, including all the terms and
27 conditions set forth therein and the Gross Settlement Amount and allocation of payments.

28 7. The rights of any potential dissenters to the proposed Settlement are adequately

protected in that they may exclude themselves from the Settlement and proceed with any alleged claims they may have against Defendant, or they may object to the Settlement and appear before this Court. However, to do so they must follow the procedures outlined in the Settlement Agreement and Notice of Class Action Settlement.

8. The Court approves, as to form and content, the proposed Notice of Class Action Settlement (“Class Notice”).

9. The Court directs the mailing, by First-Class U.S. mail, of the Class Notices to Class Members in accordance with the schedule set forth below and the other procedures described in the Settlement Agreement. The Court finds that the method selected for communicating the preliminary approval of the Settlement Agreement to Class Members is the best notice practicable under the circumstances, constitutes due and sufficient notice to all persons entitled to notice, and thereby satisfies due process.

10. The Court appoints Plaintiff Mary Ann Mararac as the representative for the Settlement Class conditionally certified by this Order.

11. The Court appoints Jackson APC and Capstone Law APC as Class Counsel. The Court finds that counsel have demonstrable experience litigating, certifying, and settling class actions, and will serve as adequate counsel for the Class conditionally certified by this Order.

12. The Court approves and appoints Phoenix Settlement Administrators as the Settlement Administrator.

13. The following dates shall govern for purposes of this Settlement:

Date	Event
[DATE] (or not later than 20 calendar days after the Court grants preliminary approval of the Settlement Agreement, if later)	Last day for Defendant to produce the Class List to the Settlement Administrator.
[DATE] (or not later than 10 calendar days after Defendant produces the Class List, if later)	Last day for the Settlement Administrator to mail Class Notices to all Class Members.
[DATE] (or not later than 45 calendar days after the Settlement Administrator mails the Class Notices, if later)	Last day for Class Members to submit Requests for Exclusion or Objections to the Settlement.

Date	Event
[DATE]	Last day for Plaintiff to file and serve the: (1) Motion for Final Approval of Class Action Settlement and (2) Motion for Attorneys' Fees, Costs, and a Class Representative Enhancement Payment.
[DATE]	Hearing on the: (1) Motion for Final Approval of Class Action Settlement and (2) Motion for Attorneys' Fees, Costs, and a Class Representative Enhancement Payment.

14. The Court expressly reserves the right to continue or adjourn the final approval hearing without further notice to the Class Members.

IT IS SO ORDERED.

Dated: _____

Hon. Oscar A. Pardo
Sonoma County Superior Court Judge