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10 *Attorneys for Plaintiff and all others similarly*
11 *situated*

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

APR - 4 2024

BY Jessica Garcel
JESSICA GARCEL, DEPUTY

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN BERNARDINO

14 NORMA J. ECHEVERRIA, an individual;
15 and on behalf of herself and all other
16 aggrieved employees,

17 Plaintiffs,

18 v.

19 TARAZI SPECIALTY FOODS, LLC, a
20 California limited liability company;
21 PRECISE PERSONNEL LLC, a Virginia
22 limited liability company and DOES 1 through
23 50, inclusive,

24 Defendants.

CASE NO.: CIVSB2210730

~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL

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

2 The Court now has before it is Plaintiff's unopposed Motion for Preliminary Approval of Class
3 Action Settlement ("Motion"). After reviewing the Motion, the Class and Representative Action
4 Settlement Agreement and Release ("Settlement Agreement"), attached to the Declaration of Scott
5 Ernest Wheeler in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement
6 Filed on Behalf of Plaintiff, and all exhibits attached thereto, and good cause appearing therefore, the
7 Court hereby finds and orders as follows:

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

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

14 All non-exempt employees who were employed directly by Tarazi
15 Specialty Foods, LLC or employed and placed by Precise Personnel LLC
16 to work at Tarazi Specialty Foods, LLC, in the State of California, at
17 any time from May 24, 2018 through December 31, 2023 nonexempt
hourly employees who worked at any time for Defendants.

18 The Class Period is from May 24, 2018 through December 31, 2023.

19 3. The court conditionally certifies for settlement purposes the portion of this
20 Settlement regarding the Private Attorneys General Act ("PAGA Allegedly Aggrieved Employees):

21 All non-exempt employees who were employed directly by Tarazi
22 Specialty Foods, LLC or employed and placed by Precise Personnel LLC
23 to work at Tarazi Specialty Foods, LLC, in the State of California, at
24 any time from March 18, 2021, through December 31, 2023.

25 The PAGA Period means the time from March 18, 2021, through December 31, 2023.

26 4. The Court finds, for settlement purposes, that the Class meets the requirements for
27 certification under California Code of Civil Procedure § 382 in that: (1) the Class is so numerous that
28

1 joinder is impractical; (2) there are questions of law and fact that are common, or of general interest,
2 to the Class, which predominate over any individual issues; (3) Plaintiff's claims are typical of the
3 claims of the Class; (4) Plaintiff and Plaintiff's counsel will fairly and adequately protect the interests
4 of the Class; and (5) a class action is superior to other available methods for the fair and efficient
5 adjudication of the controversy.
6

7 5. The Court appoints, for settlement purposes, Plaintiff Norma J. Echeverria as
8 Representative for the Class.

9 6. The Court appoints, for settlement purposes, Scott Ernest Wheeler and Justin A.
10 Wheeler of the Law Office of Scott Ernest Wheeler as Class Counsel.

11 7. The Parties are ordered to carry out the Settlement according to the terms of the
12 Settlement Agreement.
13

14 8. The Court appoints Phoenix Class Action Administrators as the Settlement
15 Administrator and is ordered to carry out the administration of the settlement according to the terms of
16 the Settlement Agreement.

17 9. The Court approves the form and content of the Class Action and PAGA Settlement
18 Notice. The Court finds that the dates selected for the mailing and distribution of the Notice Packet
19 meet the requirements of due process, provide the best notice practicable under the circumstances, and
20 shall constitute due and sufficient notice to all persons entitled thereto.
21

22 10. Phoenix Class Action Administration Solutions, the Settlement Administrator, shall
23 provide notice to any objecting party of any continuance of the hearing of Plaintiff's Motion for Final
24 Approval.

25 11. The Parties are ordered to carry out the Settlement according to the following
26 implementation schedule:
27
28

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	May 6, 2024 (30 th day falls on a Saturday)
Last day for Settlement Administrator to mail Class Notice	May 20, 2024
Last day for Class Members to submit a dispute regarding Workweeks, Request for Exclusion, or written Objection	July 5, 2024
Last Day for Plaintiff to file Motion for Final Approval Class and Representative Action, Attorney's Fees and Costs, Service Award and Administration costs.	Per Code.
Final Approval Hearing	July 22, 2024

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

13. 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
APR - 4 2024

Dated: _____, 2024

JOSEPH T. ORTIZ

HONORABLE JOSEPH ORTIZ
JUDGE OF THE SUPERIOR COURT