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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

HECTOR J. MEJIA on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

WALMART INC., a Delaware
corporation; and DOES 1 through 10,
inclusive,

Defendant.

Case No.: CIVSB-2207614

**[Assigned for all purposes to the Hon. David E.
Driscoll, Dept. S22]**

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: December 19, 2023

Time: 8:30 a.m.

Dept.: S22

1 The Court, having read and considered the papers filed in support of Plaintiffs' Motion for
2 Preliminary Approval of Class Action Settlement ("Motion"), having considered the arguments of
3 counsel, and good cause appearing therefore,

4 **IT IS HEREBY ORDERED:**

5 1. The Court grants preliminary approval of the Joint Stipulation of Class and
6 Representative Action Settlement ("Settlement Agreement"), attached as **Exhibit 1** to Declaration of
7 Larry W. Lee in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement,
8 as the terms of the Settlement Agreement appear to be fair, adequate, and reasonable. All terms used
9 herein shall have the same meaning as defined in the Settlement Agreement.

10 2. The Settlement as set forth in the Settlement Agreement falls within the range of
11 reasonableness and appears to be presumptively valid, subject only to any objections that may be
12 raised at the Final Fairness Hearing and Final Approval by the Court.

13 3. The Court approves, as to form and content, the Notice of Proposed Class and
14 Representative Action Settlement ("Notice Packet"), in substantially the form attached to the
15 Settlement Agreement as Exhibit B. The Court approves the procedures for Class Members to
16 participate in, to opt out of, and to object to, the Settlement as set forth in the Settlement Agreement.

17 4. The Court considered the papers in support of the Motion and finds that, pursuant to
18 C.R.C Rule 3.769(d), the proposed Class should be certified for settlement purposes only. Specifically,
19 the Court finds for settlement purposes only that: (a) the proposed Class is ascertainable; (b) the
20 proposed Class is sufficiently numerous; (c) the class claims meet the commonality requirements; (d)
21 the claims of the Class Representatives are typical of the claims of the proposed Class Members; (e)
22 Class Counsel has and is able to adequately represent the proposed Class; (f) the Class Representatives
23 are adequate to represent the Class; and (g) class-wide treatment of this dispute is superior to individual
24 litigation because common issues predominate over individual issues for settlement purposes.

25 5. The Court finds that notice was provided to the Labor and Workforce Development
26 Agency pursuant to California's Private Attorneys General Act, Labor Code section 2699, *et seq.*

27 6. The Court preliminarily certifies, for settlement purposes only, the Class or Class
28 Members defined as a collective of the following: (a) All of Defendants' California non-exempt

1 Walmart retail store employees whose employment ended, either voluntarily or involuntarily, at any
2 time during the period of time from April 6, 2017, through December 31, 2022, and who during their
3 employment with Walmart at any time between April 6, 2017, through December 31, 2022, received
4 payment of Paid Sick Days in the same quarter in which he/she earned a MyShare incentive (the
5 “Former Employee Sick Pay Class”); and (b) all of Defendants’ current and former California non-
6 exempt Walmart retail store employees as of December 31, 2022, who, on at least one occasion
7 between April 12, 2018 and December 31, 2022, received a payment of Paid Sick Days in the same
8 quarter in which they earned a MyShare incentive or within 90 days after receipt of any incentive pay
9 (the “Sick Pay Class”).

10 7. The Court directs the mailing of the Notice Packet to the Class Members in accordance
11 with terms of the Settlement Agreement and the implementation schedule below. The Court finds the
12 distribution of the Notice Packet as set forth in the Settlement Agreement meets the requirements of
13 due process and provides the best notice practicable under the circumstances and shall constitute due
14 and sufficient notice to all persons entitled thereto.

15 8. The procedures and 45-day deadline for Class Members to request exclusion from or
16 to object to the Settlement or to dispute the number of pay periods credited in the Notice Packet is
17 adopted as described in the Settlement Agreement. Any Class Member may object to the Settlement
18 by submitting a written objection to the Settlement Administrator or by appearing in person or through
19 counsel at the Final Approval Hearing.

20 9. The Court appoints Plaintiffs Hector J. Mejia, Dearl Powell, Christina Gast, and Eljha
21 Gonzalez as the Class Representatives.

22 10. The Court appoints Marcus Bradley and Kiley Grombacher of Bradley/Grombacher,
23 LLP; Garen Majarian and Sahag Majarian II of Majarian Law Group APC; Larry W. Lee and Mai
24 Tulyathan of Diversity Law Group, P.C.; Dennis S. Hyun of Hyun Legal, APC; and B. James
25 Fitzpatrick and Laura L. Franklin of Fitzpatrick & Swanston as Class Counsel.

26 11. The Court appoints Phoenix Settlement Administrators as the Settlement
27 Administrator, pursuant to the terms set forth in the Settlement Agreement.

28 12. The Court orders the following implementation schedule for further proceedings:

Defendant to provide Class List and Data Report to the Settlement Administrator	Within 30 business days of the Court's Order Granting Preliminary Approval
Settlement Administrator to mail the Class Notice to Class members	Within five (5) business days of receipt of the Class List and Data Report
Deadline for Class Members to object to or opt out of the Settlement, or to dispute number of weeks worked credited in Class Notice	Within 45 calendar days from the mailing of the Class Notice, or 60 calendar days from the original mailing for a re-mailed Class Notice.
Plaintiffs to File Motion for Final Approval and Motion for Attorneys' Fees, Costs and Service Award.	Not less than 16 court days before the Final Approval Hearing.

13. A final Approval Hearing on the question of whether the proposed Settlement, including the requested attorneys' fees and costs to Class Counsel and the Service Award to the Class Representatives, should be finally approved as fair, adequate and reasonable as to the Class Members is scheduled for _____ at _____ in Department S-26. The Court retains jurisdiction to consider all further applications arising out of or in connection with the Settlement Agreement.

14. The Parties are directed to carry out their obligations under the Settlement Agreement.

Dated: _____

HON. DAVID E. DRISCOLL
JUDGE, SAN BERNARDINO COUNTY
SUPERIOR COURT