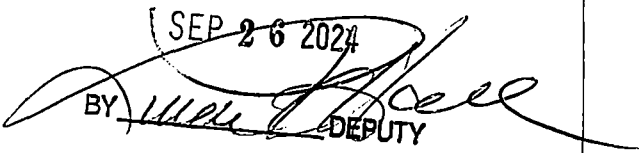


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FILED
KERN COUNTY
SEP 26 2024
BY  DEPUTY

Attorneys for Plaintiff, the Putative Class, and the Aggrieved Employees

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KERN**

VERONICA BENITEZ, an individual, on
behalf of herself, the State of California, as a
private attorney general, and on behalf of all
others similarly situated,

Plaintiff,

v.

CHAMAS E FOGO, LLC., an Alaska Limited
Liability Company; and DOES 1 TO 50,

Defendants.

Case Number: BCV-22-101184


~~[Proposed]~~ **Order Granting Preliminary
Approval of Class Action Settlement**

Date: September 26, 2024

Time: 8:30 a.m.

Dept.: 17

Judge: Hon. Thomas S. Clark



~~[PROPOSED]~~ ORDER

This matter having come for hearing on September 26, 2024, regarding Plaintiff's unopposed *Amended Motion for Preliminary Approval of Class Action Settlement* (the "Motion") on the terms set forth in the parties' *Class Action and PAGA Settlement Agreement* (the "Settlement") attached as **Exhibit A** to the concurrently filed *Declaration of Jonathan Melmed in Support of Plaintiff's Amended Motion for Preliminary Approval of Class Action Settlement*. Having considered the Settlement, all papers and proceedings held herein, and having reviewed the entire record in this action, the Court hereby finds and orders:

1. The Court grants Plaintiff leave to file the overlength brief attached to the Motion.
2. The Court grants preliminary approval of the Settlement and the "Settlement Class," defined as *all individuals who are or were employed by Defendants as non-exempt employees in California during the Class Period*, based upon the terms set forth in the Settlement Agreement. The Class Period is defined as the period from May 13, 2018, through the date of preliminary approval of the settlement. All terms used herein shall have the same meaning as defined in the Motion. The resolution set forth in the Settlement appears to be fair, adequate, and reasonable to the Settlement Class.
3. The Court preliminarily approves the proposed class settlement upon the terms and conditions set forth in the Settlement. The Court finds, on a preliminary basis, that the Settlement falls within the range of reasonableness and is presumptively valid, subject only to any objections that may be raised at the final fairness hearing and final approval by this Court.
4. The Court hereby preliminary approves the definition and disposition of the Gross Settlement Amount, which if not escalated pursuant to the Settlement Agreement, amounts to \$125,000.00, which is inclusive of: attorney's fees not to exceed \$41,666.67, litigation costs not to exceed \$17,000.00, settlement administrator costs of \$8,000.00, a service award to Plaintiff not to exceed \$10,000, and Private Attorneys' General Act of 2004 ("PAGA") penalties in the amount of \$10,000.00, of which \$7,500.00 (75%) will be paid to the Labor and Workforce Development Agency ("LWDA") and \$2,500.00 (25%) will be paid out to the PAGA Settlement Class, which shall mean all

1 individuals who are or were employed by Defendants as non-exempt employees in California during
2 the PAGA Period.

3 5. A final fairness hearing on the question of whether the proposed Settlement, the
4 attorneys' fees and costs to Plaintiff's counsel, and Plaintiff's enhancement award should be finally
5 approved as fair, reasonable, and adequate as to the members of the Class is scheduled in Department
6 1 on the date and time set forth in the implementation schedule below.

7 6. This Court approves, as to form and content, the *Notice of Class Action Settlement and*
8 *Hearing Date for Final Approval* ("Class Notice") to be distributed to the Class Members pursuant to
9 the Settlement in substantially the same form as is attached to the Settlement. The Court approves the
10 procedure for Class Members to participate in, to opt out of, and to object to the settlement as set forth
11 in the Settlement.

12 7. The Court directs the mailing of the Class Notice by first class mail to the Class
13 Members in accordance with the implementation schedule set forth below. The Court finds the dates
14 selected for the mailing and distribution of the Class Notice, as set forth in the implementation schedule,
15 meet the requirements of due process and constitute the best notice practicable under the circumstances
16 and due and sufficient notice to all persons entitled thereto.

17 8. The Court preliminarily certifies the Class, as defined in the Motion, for settlement
18 purposes.

19 9. The Court confirms Plaintiff Veronica Benitez ("Plaintiff" or "Class Representative")
20 as class representative.

21 10. The court confirms Jonathan Melmed, Megan E. Ross, and Hannah Becker of Melmed
22 Law Group P.C. as class counsel.

23 11. The court appoints Simpluris as the Settlement Administrator.

24 12. To facilitate administration of the Settlement pending final approval, the court hereby
25 enjoins Plaintiff and all members of the Class from filing or prosecuting any claims, suits, or
26 administrative proceedings (including filing claims with the Division of Labor Standards Enforcement
27 of the California Department of Industrial Relations) regarding claims released by the Settlement,
28

1 unless and until such Class Members have filed valid requests for exclusion with the Settlement
2 Administrator and the time for filing claims with the Settlement Administrator has elapsed.

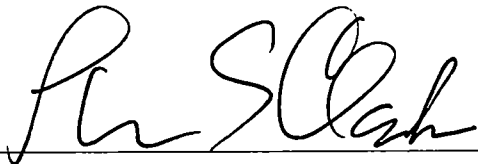
3 13. The Court orders the following Implementation Schedule for further proceedings:
4

5 a.	Deadline for Defendant to Submit Class List to the Settlement Administrator	[Within fourteen (15) calendar days of this order.]
6 b.	Deadline for Settlement Administrator to Mail Notice Packets to all Class Members	[Within fourteen (14) calendar days of receipt of Class Data.]
7 c.	Deadline for Class Members to Postmark Share Forms with Challenges	[Within sixty (60) days after mailing of the Class Notice.]
8 d.	Deadline for Class Members to Postmark Requests for Exclusion	[Within sixty (60) days after mailing of the Class Notice.]
9 e.	Deadline for Class Members to Submit Any Objections to Settlement	[Within sixty (60) days after mailing of the Class Notice.]
10 f.	Deadline for Settlement Administrator to Provide Class Counsel with Declaration of Due Diligence	[At least fourteen (14) calendar days prior to filing deadline for the Motion for Final Approval of the Settlement.]
11 f	Final Approval and Fairness Hearing	<u>2-19-25</u> at <u>8³⁰</u> a.m/p.m.

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17 14. If any of the dates in this implementation schedule fall on a weekend, bank or court
18 holiday, the time to act shall be extended to the next business day.

19 **IT IS SO ORDERED.**

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21 Dated: 9-26-24



22 Hon. Thomas S. Clark

23 Judge of the Superior Court, County of Kern
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