

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JUAN GARCIA, on behalf of himself
and all others similarly situated and the
general public,

Plaintiff,

v.

WAL-MART STORES, INC., a
Delaware corporation; and DOES 1 to
100, inclusive,

Defendants.

Case No.: 5:16-cv-01645 TJH (RAOx)
Hon. Terry J. Hatter
Courtroom: 9B, 9th Floor

CLASS ACTION

**ORDER GRANTING MOTION
FOR PRELIMINARY APPROVAL
OF CLASS ACTION
SETTLEMENT [234]**

Under Submission
Courtroom 9B, 9th Fl.

Action Filed: May 17, 2016
Removal Date: July 28, 2016

1 Plaintiff's Motion for Preliminary Approval of Class Action Settlement is
2 under submission with the Honorable Terry J. Hatter. The Court, having
3 considered the papers submitted in support of the motion and having heard oral
4 argument of the parties, hereby finds and orders as follows:
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6 1. The Court hereby preliminarily approves the proposed class action
7 settlement upon the terms and conditions set forth in the Settlement Agreement and
8 Addendums attached to the Second Supplemental Declaration of Janelle Carney,
9 filed on April 25, 2025 (Dkt. 234-2), as **Exhibit 1**. The Court finds that on a
10 preliminary basis the Settlement appears to be within the range of reasonableness
11 necessary for preliminary approval by the Court. It appears to the Court that the
12 Settlement amount is fair, adequate, and reasonable as to all potential Settlement
13 Class Members when balanced against the probable outcome of further litigation,
14 and ultimately relating to liability and damages issues. It further appears that
15 extensive and costly investigation and research has been conducted such that
16 counsel for the parties at this time are reasonably able to evaluate their respective
17 positions. It further appears to the Court that the Settlement at this time will avoid
18 substantial additional costs by all parties, as well as the delay and risks that would
19 be presented by the further prosecution of the litigation. It appears that the
20 Settlement has been reached as a result of conclusive, arms-length negotiations
21 utilizing an experienced third party neutral.
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24 2. The Settlement Class is defined as follows:

25 All current and former hourly non-exempt employees who work or worked
26 for Defendant at Defendant's Apple Valley Distribution Center facility Number
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1 7033 in Apple Valley, California from May 17, 2012, through September 28, 2018
2 (“Settlement Class Period”).

3 3. The settlement proposed has been negotiated at arm's length and is
4 preliminarily determined to be fair, reasonable, adequate and in the best interest of
5 the Settlement Class as defined above and in the Settlement Agreement. A true and
6 correct copy of the court approved notice is attached hereto as **Exhibit A**.

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8 4. The Court conditionally finds that, for the purposes of approving this
9 settlement only and for no other purpose, the proposed Settlement Class meets the
10 requirements of certification under Rule 23 of the Federal Rules of Civil
11 Procedure: (a) the proposed Settlement Class is ascertainable and so numerous that
12 joinder of all members of the Settlement Class is impracticable; (b) there are
13 questions of law or fact common to the proposed Settlement Class; (c) the claims
14 of Plaintiff are typical of the claims of the members of the proposed Settlement
15 Class; (d) Plaintiff and his counsel will fairly and adequately protect the interests
16 of the proposed Settlement Class; and (e) a class action is superior to the other
17 available methods for an efficient resolution of this controversy.
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19 5. The Court hereby preliminarily appoints Janelle Carney of Janelle
20 Carney – Attorney at Law, APC, the Law Office of Joseph Antonelli, Law Offices
21 of Kevin T. Barnes, Law Offices of Raphael A. Katri, and Salusky Law Group,
22 APC, as class counsel.
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24 6. The Court confirms Rust Consulting, Inc. as the Settlement
25 Administrator and preliminarily approves settlement administrative costs estimated
26 at no more than \$27,110.00 to be paid from the Class Settlement Amount for the
27 services to be rendered by Rust Consulting, Inc. on behalf of the class. Within
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thirty (30) days of Preliminary Approval of this Settlement by the Court, to the extent practicable, Defendant shall provide to the Settlement Administrator and Class Counsel with the Settlement Class List in the form of an Excel chart listing the names, last known addresses and telephone numbers of the Settlement Class Members, as that information, if any, exists in Defendant's records. On request of the Settlement Administrator, Defendant shall separately provide Social Security Numbers to the Settlement Administrator only to the extent needed for purposes of notice and administration, such as to locate updated addresses for Notices that are returned as undeliverable and to process settlement payments to Settlement Class Members. To the extent Social Security Numbers are provided under this section to the Settlement Administrator, if also requested by Class Counsel, Defendant shall provide the last 4 digits of those Social Security Numbers to Settlement Class Counsel.

7. The Notice (and dates selected for the mailing and distribution of the Notice set forth herein) fully complies with the requirements of FRCP Rule 23(e), and due process, and constitute the best notice practicable under the circumstances, and are due and sufficient notice to all persons entitled to notice of settlement.

8. A Settlement Class Member who wishes to exclude herself or himself from this Settlement Class and from the Releases by Settlement Class Members pursuant to this Settlement shall submit a timely and valid Request to Opt Out. To be timely, the request to opt out must be postmarked to the Settlement Administrator within forty-five (45) days after the Notice Date. To be valid, the Request to Opt Out shall: (1) contain the words "I wish to be excluded from the Settlement Class in Juan Garcia v. Walmart" or similar language; (2) contain the

1 Settlement Class Member's name and other information to confirm employment at
2 Walmart and other requirements for membership in the Settlement Class; and (3)
3 be signed and dated.

4 A Settlement Class Member who submits a timely Request to Opt Out is not
5 eligible to recover a share of the Net Settlement Amount for individual settlement
6 payment, but will receive an individual PAGA payment if applicable. The
7 Settlement Administrator shall maintain a list of persons who have sent Requests
8 to Opt Out and shall provide such list to Walmart's Counsel and Settlement Class
9 Counsel upon request. The Settlement Administrator shall retain the originals of all
10 Requests to Opt Out (including the envelopes with the postmarks) received from
11 Settlement Class Members and shall provide copies of all Requests to Opt Out to
12 Walmart's Counsel and Settlement Class Counsel within three (3) business days of
13 receipt. Walmart retains the right to assert any and all defenses to the claims of
14 persons who opt out from this Settlement. If required by the Court, Settlement
15 Class Counsel shall file the Requests to Opt Out with the Court in advance of or in
16 conjunction with the motion for final approval of the Settlement (or at another date
17 set by the District Court), with any sensitive personal information redacted.

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21 9. Any Settlement Class Member who wishes to object to the Settlement
22 must timely submit to the Settlement Administrator or the Court a valid objection,
23 in writing, on or before forty-five (45) days after the Notice Date. To be
24 considered timely, the objection must be postmarked or otherwise received by the
25 Settlement Administrator on or before the deadline. To be considered valid, an
26 objection must: (1) be from a Settlement Class Member; (2) be in writing and
27 contain the words "I object to the Settlement in Juan Garcia v. Walmart," or
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1 similar language; (3) include the objector's name, address, and other information
2 necessary to confirm employment at Walmart and other requirements for
3 membership in the Settlement Class; and (4) be signed and dated. The objection
4 must state the basis for the objection, including why the objector believes the
5 Settlement is not in the best interests of the Settlement Class Members, along with
6 any and all documents that support the objection. The objection must also state
7 whether or not the objector intends to appear at the final approval hearing. A
8 Settlement Class Member who submits a Request to Opt Out is not eligible to
9 object to the Settlement.
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11 10. Settlement Class Members who do not file and serve timely any valid
12 written objections in accordance with the procedures set forth in this Agreement
13 and the Notice shall be deemed to have waived any objections to the Settlement
14 and shall forever be foreclosed from making any objection (whether by appeal or
15 otherwise) to any aspect of the Settlement, including, without limitation, the
16 fairness, reasonableness, or adequacy of the proposed Settlement or the Court's
17 award of Attorneys' Fees and Litigation Expenses and a Settlement Class
18 Representative Payment.
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20 11. The Court hereby preliminarily approves the definition and
21 disposition of: the Class Settlement Amount in the amount of Two Million Two
22 Hundred Fifty-Thousand Dollars (\$2,250,000.00) as set forth in Settlement
23 Agreement; the payment of attorneys' fees not to exceed twenty-five percent
24 (25%) of the Class Settlement Amount of Two Million Two Hundred Fifty-
25 Thousand Dollars (\$2,250,000.00) or Five Hundred Sixty-Two Thousand Five
26 Hundred Dollars (\$562,500.00); class counsel costs of up to One Hundred Fifty-
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1 One Thousand, Four Hundred Ninety-Seven Dollars and Eighty-One Cents
2 (\$151,497.81) as verified by Class Counsel and approved by the Court, exclusive
3 of costs to administer settlement; and the cost to administer the settlement at
4 approximately Twenty-Seven Thousand One Hundred Ten Dollars (\$27,110.00).
5 The Court preliminarily approves the service payment to the class representative,
6 Juan Garcia, in the amount of Five Thousand Dollars (\$5,000.00). The service
7 payment is preliminarily approved, all subject to the Court's final approval of the
8 Settlement, in exchange for a full release of claims, including waiver of all rights
9 and benefits afforded by Civil Code § 1542, that the class representative is
10 providing.
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13 12. The Court will conduct a final approval and fairness hearing on
14 February 2, 2026 at 10:00 a.m., in Courtroom 9B, 9th Floor, of the above captioned
15 court to determine the overall fairness of the settlement and to fix the amount of
16 attorneys' fees and costs to class counsel and enhancement to the class
17 representative.
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19 13. All further proceedings in this action shall be stayed except such
20 proceedings necessary to review, approve, and implement this Settlement.

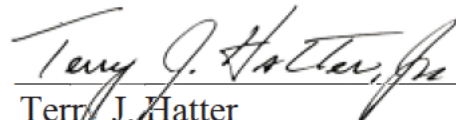
21 14. In the event the Settlement does not become effective in accordance
22 with the terms of the Settlement Agreement, or the Settlement is not finally
23 approved or terminated, this Order shall be rendered null and void and shall be
24 vacated, and the parties shall revert to their respective positions prior to notifying
25 the Court of the settlement of the action.
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27 15. The Court approves establishment of the Qualified Settlement Fund,
28 as defined and provided for in the Settlement.

1 16. The Court orders the following schedule of dates for further
2 proceedings:

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| 4 | 1. Defendant to provide Class List to | (Within 30 days after |
| 5 | Settlement Administrator | Preliminary Approval |
| 6 | | Order is signed) |
| 7 | 2. First Mailing of Notice, etc., to the Class: | (20 calendar days after |
| 8 | | the Class List is |
| 9 | | received) |
| 10 | 3. Deadline to postmark objections, Opt-Out | (45 calendar days after |
| 11 | and pay periods dispute: | mailing by Settlement |
| 12 | | Administrator) |
| 13 | 4. Filing date for Final Approval Motion: | (28 calendar days before |
| 14 | | the Final Approval |
| 15 | | hearing) |
| 16 | 5. Final Approval Hearing: | February 2, 2026 |
| 17 | | at 10:00 a.m. |

18 Dated: October 31, 2025


Terry J. Hatter
United States District Judge