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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF ORANGE**

11 OSCAR MEJORADO, individually, and on
12 behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 RAINBOW SANDALS, INC.; and DOES 1
16 through 10, inclusive,

17 Defendants.

Case No.: 30-2022-01283098-CU-OE-CXC

*[Assigned for all purposes to the Hon.
Melissa R. McCormick, Dept. CX-105]*

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

PRELIMINARY APPROVAL HEARING

Date: July 16, 2026

Time: 2:00 p.m.

Dept: CX-105

Complaint filed: September 28, 2022

FAC filed: December 15, 2022

Trial date: Not set

[PROPOSED] ORDER

The Court has before it Plaintiff Oscar Mejorado’s (“Plaintiff”) Motion for Preliminary Approval of Class Action and PAGA Settlement. Having reviewed the Motion for Preliminary Approval of Class Action and PAGA Settlement, the Declarations of Benjamin H. Haber, Lucy H. Nguyen, Alan Wilcox, and Oscar Mejorado, the Class Action and PAGA Settlement Agreement and Class Notice with the First and Second Amendments (the “Settlement” or “Settlement Agreement”), and good cause appearing, the Court hereby finds and orders as follows:

1. The Court finds on a preliminary basis that the Settlement Agreement, as amended, appears to be fair, reasonable, and adequate, and in the best interests of the Settlement Class and Aggrieved Employees. Accordingly, the Court grants preliminary approval of the Settlement and provisionally certifies the Settlement Class for settlement purposes only, subject to the terms set forth in the Settlement Agreement, a true and correct copy of which is attached hereto as **Exhibit 1**.

2. The Settlement falls within the range of reasonableness of a settlement which could ultimately be given final approval by this Court, and appears to be presumptively valid, subject only to any objections that may be raised at the Final Approval Hearing and final approval by this Court. Pursuant to the terms of the Settlement, Defendant has agreed to create a common fund of \$250,000.00 to cover (a) settlement payments to Class Members who do not validly opt out; (b) a \$20,000.00 payment in settlement of claims for civil penalties under the California Private Attorneys General Act (“PAGA”), of which 75% (\$15,000.00) will be paid to the California Labor and Workforce Development Agency (“LWDA”) and 25% (\$5,000.00) will be distributed to Aggrieved Employees (on a pro-rata basis); (c) Class Representative Service Payment not to exceed \$5,000.00 for Plaintiff Oscar Mejorado; (d) Class Counsel’s attorneys’ fees, not to exceed \$75,000 (30% of the Gross Settlement Amount), and costs not to exceed \$15,000.00 for actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs not to exceed \$4,995.00, subject to Court approval.

3. The Court preliminarily finds that the terms of the Settlement appear to be within

1 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
2 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair
3 and reasonable to the Class Members when balanced against the probable outcome of further
4 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
5 significant informal discovery, investigation, research, and litigation have been conducted such
6 that counsel for the parties at this time are able to reasonably evaluate their respective positions;
7 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
8 by the further prosecution of the litigation; and (4) the proposed settlement has been reached as
9 the result of intensive, serious, and non-collusive negotiations between the Parties with the
10 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
11 that the Settlement Agreement was entered into in good faith.

12 4. A final fairness hearing on the question of whether the proposed settlement,
13 attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement
14 of claims for penalties under PAGA, and the class representative's service payment should be
15 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set
16 in accordance with the Implementation Schedule set forth below.

17 5. The Court provisionally certifies for settlement purposes only the following
18 Class: "all hourly-paid or non-exempt employees employed by Defendant in California who
19 worked for Defendant at any time during the Class Period."

20 6. "Class Period" means the period from April 3, 2018, to December 31, 2023.

21 7. "Aggrieved Employees" means all hourly-paid or non-exempt employees
22 employed by Defendant in California who worked for Defendant at any time during the PAGA
23 Period.

24 8. The "PAGA Period" means the period from April 3, 2021, to December 31, 2023.

25 9. The Court finds, for settlement purposes only, that the Settlement Class meets the
26 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
27 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
28 of law and fact that are common, or of general interest, to all Settlement Class Members, which

predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect the interests of the Settlement Class Members; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

10. The Court preliminarily appoints as Class Representative, for settlement purposes only, Plaintiff Oscar Mejorado.

11. The Court preliminarily appoints, for settlement purposes only, Benjamin H. Haber, Daniel J. Kramer, and Alan Wilcox of Wilshire Law Firm, PLC as Class Counsel.

12. The Court preliminarily appoints ILYM Group, Inc. as the Settlement Administrator.

13. The Court approves, as to form and content the Class Notice, a true and correct copy of which is attached hereto as **Exhibit 2**. The Court finds on a preliminary basis that plan for distribution of the Class Notice to Settlement Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

14. The parties and the settlement administrator are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

15. Any Class Member who does not timely and validly request exclusion from the Settlement may object to the Settlement Agreement in writing, including by using the Objection form provided with the Class Notice, or at the Final Approval Hearing.

16. The Court orders the following Implementation Schedule:

Defendants to provide Class Data to the Settlement Administrator	30 calendar days after notice of entry of the Court's Order granting Preliminary Approval of the Settlement
Settlement Administrator to mail the Class Notice	14 days after receipt of the Class Data from the Defendant
Response Deadline (opt-outs, objections,	60 days after Class Notice is mailed out by

1	disputes)	the Settlement Administrator
2	Settlement Administrator provides	At least 14 calendar days before the date by
3	declaration for Final Approval	which Plaintiff is required to file the Motion
4		for Final Approval
5	Deadline to file Motion for Final Approval,	16 court days before hearing on Motion for
6	Request for Attorney's Fees and Costs, and	Final Approval
7	Class Representative Service Payment	
8		December 10, 2026, at 2:00 p.m. in
9	Final Approval Hearing	Department CX-105. The hearing may be
10		continued to another date without further
11		notice to the Class Members.

12 17. Pursuant to California Code of Civil Procedure section 664.6, the Court retains
13 jurisdiction over the Parties to enforce the terms of the Settlement Agreement.

14 18. The Court further ORDERS that, pending further order of this Court, all
15 proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

16 19. _____
17 _____
18 _____
19 _____.

20 **IT IS SO ORDERED.**

21
22 DATE:

Hon. Melissa R. McCormick
Judge of the Superior Court