

04/09/2024 at 01:16:00 PM
Clerk of the Superior Court
By Mariejo Guyot, Deputy Clerk

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Attorneys for Plaintiff MARIA MERCADO,
individually, and on behalf of all others similarly
situated and aggrieved

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

MARIA MERCADO, an individual, on behalf
of herself and all others similarly situated and
aggrieved,

Plaintiff,

vs.

OWB PACKERS, LLC, a California Limited
Liability Company; ONE WORLD
VENTURES, LLC DBA ONE WORLD
BEEF, a California Limited Liability
Company; and DOES 1 through 25, inclusive,

Defendants.

Case No.: 37-2022-00050243-CU-OE-CTL

[Assigned for all purposes to the Hon. James A.
Mangione, Dept. C-75]

~~[PROPOSED]~~ **AMENDED ORDER**
GRANTING MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

Date: March 29, 2024
Time: 9:00 a.m.
Dept.: C-75

*[Filed in connectionw with (1) Notice of Motion and
Motion for Preliminary Approval; Memo of Points
and Authorities; (2) Declarations of Cheryl A.
Kenner, Julie Green on Behalf of CPT Group, Inc.,
and Plaintiff Maria Mercado]*

Date Action Filed: December 15, 2022
Trial Date: N/A

~~[PROPOSED]~~ ORDER

On March 29, 2024, this Court conducted a hearing on Plaintiff's Motion for Preliminary Approval of the Class Action Settlement (the "Motion"). Having considered the Motion and points and authorities and declarations submitted in support of the Motion, including the Joint Stipulation of Class Action Settlement and Release of Claims ("Settlement Agreement" or "Settlement") and exhibits, and GOOD CAUSE appearing, IT IS HEREBY ORDERED that the Motion is GRANTED, subject to the following findings and orders:

1. This Order incorporates by reference the definitions in the Settlement Agreement, and all terms defined therein shall have the same meaning as set forth in the Settlement Agreement.

2. The Settlement Class shall be conditionally certified for settlement purposes only and shall consist of all current and former nonexempt employees who worked for OWB Packers, LLC and One World Ventures LLC in California during the Class Period beginning four years prior to the filing of this Complaint, i.e., December 15, 2018 through February 29, 2024.

3. The class action settlement set forth in the Settlement Agreement, entered into among the Parties and their counsel, is preliminarily approved as it appears to be proper, to fall within the range of reasonableness, to be the product of arm's-length and informed negotiations, to treat all Class Members fairly, and to be presumptively valid, subject only to any objections that may be raised at or before the final approval hearing. The Court further finds that Plaintiff's Counsel conducted extensive investigation and research, and that they were able to reasonably evaluate Plaintiff's position and the strengths and weaknesses of their claims and the ability to certify them. Plaintiff's Counsel have provided the Court with enough information about the nature and magnitude of the claims being settled, as well as the impediments to recovery, to make an independent assessment of the reasonableness of the terms to which the Parties have agreed.

4. The Court also finds that settlement now will avoid additional and potentially substantial litigation costs, as well as delay and risks if the Parties were to continue to litigate the Action.

5. The Court preliminarily approves the Settlement Agreement, including all the terms and conditions set forth therein and the Class Settlement Amount and allocation of payments.

6. The rights of any potential dissenters to the proposed Settlement are adequately protected in that they may exclude themselves from the Settlement and proceed with any alleged claims they may have against

1 Defendants, or they may object to the Settlement and appear before this Court. However, to do so they must
2 follow the procedures outlined in the Settlement Agreement and Notice of Class Action Settlement.

3 7. The Court approves, as to form and content, the proposed Notice of Class Action Settlement
4 (“Class Notice”).

5 8. The Court directs the mailing, by First-Class U.S. mail, of the Notice Packets to Class Members
6 in accordance with the schedule set forth below and the other procedures described in the Settlement Agreement.
7 The Court finds that the method selected for communicating the preliminary approval of the Settlement
8 Agreement to Class Members is the best notice practicable under the circumstances, constitutes due and sufficient
9 notice to all persons entitled to notice, and thereby satisfies due process.

10 9. Plaintiff Maria Mercado is a suitable class representative and is appointed the Class
11 Representative for the Settlement Class conditionally certified by this Order.

12 10. The Court appoints Carney R. Shegerian, Anthony Nguyen, and Cheryl A. Kenner of Shegerian
13 & Associates, Inc. as Class Counsel. The Court finds that counsel have demonstrable experience litigating,
14 certifying, and settling class actions, and will serve as adequate counsel for the Class conditionally certified by this
15 Order.

16 11. The Court approves and appoints CPT Group, Inc. as the Settlement Administrator.

17 12. No later than five days before the Final Approval Hearing, Plaintiff shall file with the Court a list
18 of Class Members who have excluded themselves from the Settlement Agreement and a declaration with facts
19 sufficient to inform the Court that class notice was disseminated in accordance with this Order.

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13. The following dates shall govern for purposes of this Settlement:

Date	Event
April 13, 2024	Last day for Defendants to produce the Class List to the Settlement Administrator. [15 calendar days from grant of preliminary approval]
April 26, 2024	Last day for the Settlement Administrator to mail Class Notice to all Class Members. [10 business days from Class List]
June 25, 2024	Last day for Class Members to submit Requests for Exclusion or Objections to the Settlement (“Response Deadline”) [60 calendar days from mailing of Class Notice]
July 15, 2024	Last day for Settlement Administrator to provide Declaration to Class Counsel for filing with Motion for Final Approval of Class Action Settlement [14 business days from Response Deadline]
August 9, 2024	Last day for Plaintiff to file the Motion for Final Approval of Class Action Settlement and Motion for Attorneys’ Fees, Costs, and Class Representative Enhancement Payment and General Release Payment. [at least 30 calendar days prior to Final Approval Hearing, and at least 45 days from Response Deadline]
September 6, 2024	Last day for Plaintiff to file the Settlement Administrator’s Declaration Listing Class Members Who Excluded Themselves from the Class [5 calendar days prior to Final Approval Hearing]
September 13, 2024 at 9:00 a.m.	Hearing on Motion for Final Approval of Class Action Settlement and Motion for Attorneys’ Fees, Costs, and Class Representative Enhancement Payment.

14. The Court expressly reserves the right to continue or adjourn the final approval hearing from time to time without further notice to the Class Members.

IT IS SO ORDERED.

04/09/2024

By:



Hon. James A. Mangione
San Diego County Superior Court

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am an employee in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 11520 San Vicente Boulevard, Los Angeles, California 90049.

On March 29, 2024, I served the foregoing document, described as **[PROPOSED] AMENDED ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on all interested parties in this action by placing a true copy thereof in a sealed envelope, addressed as follows:

Nicole M. Shaffer
Kelli Dreger
Derek Sutter
Denise G.S. MacMurray
JACKSON LEWIS P.C.
200 Spectrum Center Drive, Suite 500
Irvine, CA 92618

Nicole.Shaffer@jacksonlewis.com
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Attorneys for Defendants OWB Packers,
LLC and One World Ventures LLC dba One
World Beef

☐ **(BY MAIL)** I placed such envelope, with postage thereon prepaid, in the United States mail at Los Angeles, California. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid, at Los Angeles, California, in the ordinary course of business. I am aware that, on motion of the party served, Service is presumed invalid if the postal cancellation or postage meter date is more than one day after the date of deposit for mailing in this affidavit.

☒ **(BY ELECTRONIC MAIL)** I sent such document via electronic mail to the email(s) noted above.

☒ **(STATE)** I declare, under penalty of perjury under the laws of the State of California, that the above is true and correct.

Executed on March 29, 2024, at Los Angeles, California.


Cheryl A. Kenner