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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

17 RODOLFO PONCE, individually, on behalf of
18 all others similarly situated, and on behalf of the
19 State of California and other aggrieved persons

20 Plaintiff,

21 v.

22 YOUBAR, INC., a California corporation; and
23 DOES 1 through 10, inclusive,

24 Defendants.

Case No.: 22STCV37519

*Assigned for all purposes to:
Hon. Stuart M. Rice, Dept. 1*

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

Date: December 23, 2024
Time: 10:30 a.m.
Dept.: 1

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1. The Court finds on a preliminary basis that the Settlement Agreement appears to be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval. The Court grants preliminary approval of the Settlement and the Settlement Class based on the terms set forth in the Settlement Agreement between Plaintiff and Defendant Youbar, Inc. (“Defendant” or “Youbar”), attached to the Declaration of John G. Yslas in Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement as **Exhibit 1**.

3. The Court preliminarily finds that the terms of the Settlement appear to be within the range of possible approval, pursuant to California Code of Civil Procedure § 382 and applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair and reasonable to the Class Members when balanced against the probable outcome of further litigation relating to class certification, liability and damages issues, and potential appeals; (2)

1 significant informal discovery, investigation, research, and litigation have been conducted such
2 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
3 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
4 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as
5 the result of intensive, serious, and non-collusive negotiations between the Parties with the
6 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
7 that the Settlement Agreement was entered into in good faith.

8 4. A final fairness hearing on the question of whether the proposed Settlement,
9 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &
10 Workforce Development Agency for its share of the settlement of claims for penalties under the
11 Private Attorneys General Act, and the Class Representative's enhancement awards should be
12 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set
13 in accordance with the Implementation Schedule set forth below.

14 5. The Court provisionally certifies for settlement purposes only the following class
15 (the "Class"): "all persons employed by Defendant in California and classified as an hourly-
16 paid and/or non-exempt employee who worked for Defendant during the Class Period."

17 6. "Class Period" means the period from June 5, 2017 to July 31, 2024.

18 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
19 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
20 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
21 of law and fact that are common, or of general interest, to all Settlement Class Members, which
22 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the
23 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
24 the interests of the Settlement Class Members; and (5) a class action is superior to other
25 available methods for the fair and efficient adjudication of the controversy.

26 8. The Court appoints as Class Representative, for settlement purposes only,
27 Plaintiff. The Court further preliminarily approves Plaintiff's ability to request an incentive
28 award up to \$10,000.00.

9. The Court appoints, for settlement purposes only, John G. Yslas, Jeffrey C. Bills, Aram Boyadjian, and Andrew Sandoval of Wilshire Law Firm, PLC, as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-third of the Gross Settlement Amount (i.e., \$141,666.67), and costs not to exceed \$20,000.00.

10. The Court appoints Phoenix Settlement Administrators, Inc. as the Settlement Administrator with reasonable administration costs estimated not to exceed \$8,000.00.

11. The Court approves, as to form and content the Class Notice, attached to the Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the 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.

12. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

13. Any Class Member who does not timely and validly request exclusion from the Settlement may object to the Settlement Agreement.

14. The Court orders the following Implementation Schedule:

EVENT:	DEADLINE:
Defendant to provide Class List to the Settlement Administrator	January 15, 2025 – 15 business days after MPA hearing
Settlement Administrator to mail the Notice Packets	January 29, 2025 – 14 days after receipt of Class Data
Class Member Response Deadline	March 30, 2025 - 60 days after mailing Notice to Class
Class Member Deadline to Object	March 30, 2025 - 60 days after mailing Notice

EVENT:	DEADLINE:
	to Class
Deadline for Administrator to Submit Declaration in Support of Motion for Final Approval	April 21, 2025 – 14 days before the last day to file Plaintiff’s Motion for Final Approval, Request for Attorney’s Fees and Costs, and Service Awards to Plaintiff
Deadline to file Motion for Final Approval, Request for Attorney’s Fees and Costs, and Service Awards to Plaintiff	May 5, 2025 - 16 court days before the calendared Final Approval Hearing
Final Approval Hearing	May 28, 2025 at 10:30 a.m. [or _____ at 8:30 a.m.]

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

IT IS SO ORDERED.

DATE:

Hon. Stewart M. Rice
Los Angeles County Superior Court