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10 *Attorneys for Plaintiff and on behalf of all*
11 *others similarly situated*

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 11/22/2024
By Deputy: Nazarian, Agnes

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **FOR THE COUNTY OF MONTEREY - MONTEREY COURTHOUSE**

14 IRENE O. FLORES, individually, and on
15 behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 MERCURIO BROTHERS, INC., a
19 California corporation, doing business as,
20 DOMENICO'S ON THE WHARF; and
21 DOES 1 through 50, inclusive,

22 Defendants.

Case No.: 23CV001694

**~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

1 **~~[PROPOSED]~~ ORDER GRANTING PRELIMINARY APPROVAL**

2 The Court now has before it Plaintiff's unopposed Motion for Preliminary Approval of Class
3 Action Settlement ("Motion"). After reviewing the Motion, the Class Action Settlement Agreement
4 ("Settlement Agreement") and exhibits attached thereto, and good cause appearing therefore, the
5 Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the settlement memorialized in the
7 Settlement Agreement appears to be fair and adequate, and falls within the range of reasonableness,
8 and therefore meets the requirement for preliminary approval.

9 2. The Court conditionally certifies for settlement purposes the following class (the
10 "Class" or "Settlement Class"):

11 All non-exempt employees who were employed by Defendant, in the State
12 of California, at any time from May 25, 2019, through June 30, 2024.

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

20 4. The Court conditionally approves the portion of the settlement pursuant to the Private
21 Attorneys General Act ("PAGA"). The PAGA period means any time between January 12, 2022,
22 through June 30, 2024.

23 5. The Court appoints, for settlement purposes, Plaintiff Irene O. Flores as
24 Representative for the Class.

25 6. The Court appoints, for settlement purposes, the Law Office of Scott Ernest
26 Wheeler, as counsel for the Class.

27 7. The Parties are ordered to carry out the Settlement according to the terms of the
28 Settlement Agreement. The Settlement Agreement shall be modified as stated in the tentative ruling.

1 8. The Court appoints Phoenix Settlement Administrator as the Settlement
2 Administrator and is ordered to carry out the administration of the settlement according to the terms
3 of the Settlement Agreement.

4 9. The Parties are ordered to carry out the Settlement according to the following
5 implementation schedule:

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	Within 10 calendar days after the date of the preliminary approval order
Last day for Settlement Administrator to mail Notice Packet	Within 10 calendar days after receiving the Class Information
Last day for Class Members to submit a Request for Exclusion or Objection	Within 45 calendar days after the postmark date of the Notice of Class Settlement mailed by the Settlement Administrator (extended if re-mailed)
Last Day to file Motion for Final Approval and Request for Attorneys' Fees and Costs	Per Code.
Final Approval Hearing	

17 10. The Court approves as to form and content the Class Notice (attached as Exhibit 1 to
18 the Settlement Agreement). The court conditions approval on the revisions stated in the tentative ruling.

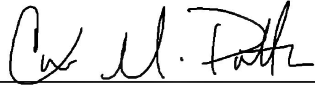
19 11. The Court finds that the method of giving notice to the Class constitutes the best
20 means practicable of providing notice under the circumstances. The Court further finds that the
21 Notice Packet and the method of giving notice to the Class meet the requirements of California Code
22 of Civil Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, and due process under
23 the California and United States Constitutions, and other applicable law.

24 12. At the Final Approval Hearing, the Court will consider, *inter alia*, whether the
25 Settlement should be finally approved as fair, reasonable and adequate, whether a final judgment
26 should be entered, and whether the payments provided for under the Settlement, including attorneys'
27 fees and costs and class representative service awards, should be finally approved and granted.
28

1 13. Pending the Final Approval Hearing, all proceedings in this Action, other than
2 proceedings necessary to implement the Settlement and this Order, are stayed.

3 **IT IS SO ORDERED.**

4 DATED: 11/22/2024

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6 HONORABLE CARRIE M. PANETTA
7 JUDGE OF THE SUPERIOR COURT
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