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Attorneys for Plaintiff Ashley Avery
and Proposed Class Counsel

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF YUBA**

ASHLEY AVERY, on behalf of herself and
all “aggrieved employees” pursuant to
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

TAKLAK INC., a California corporation,
and DOES 1 through 10, inclusive,

Defendants.

CASE NO: CVCV23-00479

Assigned to the Hon. Stephen W. Berrier, Dept. 4

**[PROPOSED] ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT
AND LEAVE TO FILE FIRST AMENDED
COMPLAINT**

Date: March 10, 2025

Time: 10:00 a.m.

Dept.: 4

Complaint Filed: May 15, 2023

1 The unopposed motion of proposed Plaintiff Ashley Avery (“Plaintiff” or “Avery”) for
2 Preliminary Approval of Class and Representative Action Settlement and for Leave to File a First
3 Amended Complaint came on for hearing before this Court in Department 4, Judge Stephen W.
4 Berrier presiding, on March 10, 2025 at 10:00 a.m. The Court, having considered the papers
5 submitted in support of the motion and having heard oral argument of the parties, **HEREBY**
6 **ORDERS THE FOLLOWING:**

7 1. The Court grants preliminary approval of the settlement based upon the terms set
8 forth in the proposed Joint Stipulation and Settlement Agreement of Class Action and PAGA
9 Claims (the “Settlement”) filed with the Court. The settlement appears to be fair, adequate, and
10 reasonable to the Class;

11 2. The Court finds that the settlement falls within the range of reasonableness and
12 appears to be presumptively valid, subject only to any objections that may be raised at the final
13 hearing;

14 3. The Court approves, as to form and content, the Notice of Pendency of Proposed
15 Class Action Settlement and Final Hearing (“Notice”), attached to the Settlement as Exhibit A;

16 4. The Court directs the mailing of the Notice by first class mail to the Settlement Class
17 Members in accordance with the schedule set forth below. The Court finds that the dates selected
18 for the mailing and distribution of the Notice, as set forth herein, meet the requirements of due
19 process and provide the best notice practicable under the circumstances and shall constitute due
20 and sufficient notice to all persons entitled thereto;

21 5. It is ordered that the Settlement Class is preliminarily certified for settlement
22 purposes only. The Settlement Class is defined as follows: all current and former hourly-paid or
23 non-exempt employees of Defendant, employed by Defendant in California at any time during the
24 Class Period [May 15, 2019 through November 1, 2024];

25 6. The Court approves and appoints Gaines & Gaines, APLC as Class Counsel, and
26 grants preliminary approval of an award of attorneys’ fees of up to 35% of the Gross Settlement
27 Amount (or \$48,125) and documented litigation costs of up to \$15,000 to Class Counsel, subject
28 to final approval by the Court following a further motion by Class Counsel;

1 7. The Court approves and appoints Plaintiff Ashley Avery as the Class Representative
2 and grants preliminary approval to proposed Enhancement Award to Plaintiff Ashley Avery in an
3 amount not to exceed \$6,000, subject to final approval by the Court following a further motion by
4 the Class Representative;

5 8. The Court grants preliminary approval of the allocation of \$10,000 to settle the
6 representative claims under the Private Attorneys General Act (Labor Code §§ 2698 et seq.), of
7 which 75% (\$7,500) shall be paid directly to the LWDA and 25% (\$2,500) shall be distributed to
8 the PAGA Employees as PAGA Employee Payments;

9 9. The Court hereby approves and appoints Phoenix Settlement Administrators as the
10 Settlement Administrator and grants preliminary approval of the payment of fees and other charges
11 of the Settlement Administrator in an amount not to exceed \$7,500;

12 10. The Court directs Plaintiff to file, for settlement purposes only, the First Amended
13 Complaint attached as Exhibit B to the Settlement within ten (10) calendar days after notice of entry
14 of this Order, and suspends any obligation of Defendant to file a responsive pleading thereto; and

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11. The Court orders the following schedule of dates for the specified actions/further proceedings:

<u>EVENT</u>	<u>TIMING</u>
Last day for Defendant to provide to the Settlement Administrator a list of all Class Members, including the full name, telephone number, and last known address and full social security number of all Class Members; the information necessary to determine the estimated settlement allocation to each Class Member, including: (i) the total number of Workweeks of each Class Member in California in an hourly-paid or non-exempt position within the Class Period; and (ii) the total number of Workweeks of each PAGA Employee in California in an hourly-paid or non-exempt position within the PAGA Period (“Settlement Class Information”)	20 calendar days after entry of Court’s Order granting preliminary approval of Settlement
Last day for Settlement Administrator to mail Notice of Proposed Settlement (“Notice”) to Class Members	10 calendar days after Settlement Administrator’s receipt of the Class Member List
Last day for exclusion requests by Class Members to be postmarked to the Settlement Administrator	45 calendar days after the initial mailing of the Notice to Class Members
Last day for objections to the Settlement by Class Members to be postmarked to the Settlement Administrator	45 calendar days after the initial mailing of the Notice to Class Members
Last day for Class Counsel to file and serve moving papers in support of final settlement approval and request for attorneys’ fees and costs	10 calendar days before the final settlement approval hearing date
Last day for Class Counsel to file with the Court and serve declaration by Settlement Administrator specifying the due diligence undertaken with regard to the mailing of the Notice	10 calendar days before the final settlement approval hearing date
Final settlement approval hearing	_____, 2025, at _____ (approximately 100 days after entry of this Order)

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT