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Attorneys for Plaintiff IVAN CHAVEZ,
on behalf of himself and others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES—SPRING STREET COURTHOUSE**

IVAN CHAVEZ, on behalf of himself and
similarly situated employees,

Plaintiff,

vs.

HOLIDAY TREE FARMS, INC.; and DOES
1 to 100, inclusive,

Defendants.

Case No.: 23STCV07658
Related Case No.: 23STCV13394

CLASS AND PAGA ACTION

*[Assigned for all purposes to the Hon. Stuart M.
Rice, Dept. 1]*

**~~REVISED PROPOSED~~ ORDER
GRANTING PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement; Declaration of Joanna E. Meneses in
Support Thereof; Declaration of Ivan Chavez in
Support Thereof; and Declaration of Michael E.
Moore in Support Thereof]*

Hearing Information:

Date: May 9, 2025
Time: 10:30 a.m.
Dept.: 1

The Motion for Preliminary Approval of a Settlement came before this Court on May 9,
2025 at 10:30 a.m. in Department 1 of Los Angeles County Superior Court located at 312 N. Spring

FILED
Superior Court of California
County of Los Angeles
05/13/2025
David W. Slybia, Executive Officer / Clerk of Court
By: _____ A. He _____ Deputy

1 St., Los Angeles, California 90012. The Court, having considered the proposed Class Action and
2 PAGA Settlement Agreement and Class Notice entered into by and between Plaintiff Ivan Chavez
3 (“Plaintiff”) and Defendant Holiday Tree Farms, Inc. (“Defendant” or “HTF”) attached as **Exhibit**
4 **1** to the Declaration of Joanna E. Meneses in Support of Plaintiff’s Motion for Preliminary
5 Approval of Class Action Settlement, and the Exhibits attached thereto (hereafter collectively, the
6 “Settlement” or “Settlement Agreement”); having considered the Motion for Preliminary Approval
7 of Class and PAGA Action Settlement filed by the parties; having considered the respective points
8 and authorities and declarations submitted by the parties in support thereof; and good cause
9 appearing, HEREBY ORDERS THE FOLLOWING:

10 The Court grants preliminary approval of the settlement as set forth in the Settlement and
11 finds the terms to be within the range of reasonableness of a settlement that ultimately could be
12 granted approval by the Court at the Final Approval Hearing. For purposes of the Settlement, the
13 Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-
14 defined community of interest among the Class in questions of law and fact. Therefore, for
15 settlement purposes only, the Court grants conditional certification of the following “Class” defined
16 as follows:

17 All current and former hourly, non-exempt employees of Defendant who worked for
18 Defendant Holiday Tree Farms, Inc. in the State of California at any time during the Class
19 Period.

20 1. The “Class Period” is the period from April 7, 2019 through December 31, 2023.

21 2. For purposes of settlement, the Court further designates named Plaintiff Ivan Chavez
22 as Class Representative, and Joseph Lavi, Esq. and Vincent C. Granberry, Esq. of Lavi &
23 Ebrahimian, LLP, as Class Counsel.

24 3. The Court appoints Phoenix Class Action Administration Solutions as the Settlement
25 Administrator.

26 4. A Final Approval Hearing on the question of whether the proposed settlement should
27 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
28 Department 1 of this Court, located at 312 N. Spring St., Los Angeles, California 90012, on

1 November 10, 2025, at 10:30 a.m.

2 5. At the final fairness hearing, the Court will consider: (a) whether the settlement
3 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
4 approval of the settlement should be entered; and (c) whether Plaintiff's application for an award of
5 Class Counsel Fees, Class Counsel Expenses, and Class Representative Service Payment should be
6 granted.

7 6. Counsel for the parties shall file memoranda, declarations, or other statements and
8 materials in support of their request for final approval by no later than 16 court days prior the Final
9 Approval Hearing.

10 7. Class Counsel shall file a motion for an award of Class Counsel Fees, Class
11 Counsel Expenses, and Class Representative Service Payment by no later than 16 court days prior
12 to the final fairness hearing.

13 8. The Court approves, as to form and content, the Class Notice which is attached to
14 the Settlement as **Exhibit 1.**

15 9. The Court finds that there is sufficient evidence for the Court to find that the gross
16 settlement fund, deductions thereto, and resulting net settlement fund (from which
17 individual payments will be calculated pursuant to the terms of the Settlement) are fair,
18 adequate and reasonable, and the Court therefore preliminarily approves the following
19 amounts, to be approved at the final fairness hearing:

- 20 a. Gross Settlement Amount ("GSA"): \$350,000.00
- 21 b. LWDA Allocation: Total \$5,000.00, composed of:
- 22 c. LWDA Payment: \$3,750.00 (75% of LWDA Allocation)
- 23 d. Aggrieved Employees: \$1,250.00 (25% of LWDA Allocation)
- 24 e. Expected Deductions: Total \$146,155.00, composed of:
- 25 f. \$2,000.00 - Class Representative Service Payment
- 26 g. \$116,655.00- Attorneys' Fees (33 1/3% of GSA)
- 27 h. \$25,000.00 - Attorneys' Costs
- 28 i. \$6,500.00 - Settlement Administration Costs

j. Net Settlement Amount (NSA): \$198,845.00 (GSA, minus LWDA Allocation, minus Expected Deductions)

10. No later than fourteen (14) days following the date the Court enters this order, Defendant shall provide the following information to the Settlement Administrator: Class Member identifying information in Defendant's possession including the Class Member's name, last-known mailing address, Social Security number, and dates of employment ("Class Data").

11. No later than fourteen (14) days after receiving the Class Data, the Settlement Administrator shall disseminate the Class Notice to all the Class Members identified in the Class Data by first-class U.S. Mail.

12. Class Members shall have sixty (60) calendar days from the date the Settlement Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion from the Settlement or fax, email, or mail an Objection to the Settlement ("Response Deadline"). Class Members to whom Notice Packets are resent after having been returned undeliverable to the Administrator shall have an additional fourteen (14) calendar days beyond the Response Deadline has expired.

13. The Court finds that the forms of Class Notice to the Class regarding the pendency of the action and of this settlement, and the methods of giving notice to members of the Settlement Class constitute the best notice practicable under the circumstances and constitute valid, due, and sufficient notice to all members of the Class. They comply fully with the requirements of California Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

14. The Court further approves the procedures for Class Members to participate in, opt out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

15. Class Members who wish to exclude themselves (opt-out of) the Class Settlement must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not later than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter from a Class

Member or his/her representative that reasonably communicates the Class Member's election to be excluded from the Settlement and includes the Class Member's name, address and email address or telephone number. To be valid, a Request for Exclusion must be timely faxed, emailed, or postmarked by the Response Deadline.

16. Participating Class Members may send written objections to the Administrator, by fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire an attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A Participating Class Member who elects to send a written objection to the Administrator must do so not later than sixty (60) days after the Administrator's mailing of the Class Notice (plus an additional 14 days for Class Members whose Class Notice was re-mailed).

17. Pending the Final Approval Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this Order, are stayed.

18. Counsel for the parties are hereby authorized to utilize all reasonable procedures in connection with the administration of the settlement which are not materially inconsistent with either this Order or the terms of the Settlement.

19. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendant to provide the Settlement Administrator the Class Database	14 days after the Court's entry of this Order
Notice Date: last day for Administrator to mail Class Notice to Class Members.	14 days after receipt of the Class Data
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections	60 calendar days after the date of mailing of the Class Notice
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 calendar days prior to the final approval hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 calendar days prior to the final approval hearing
Last day for the Parties to respond to	5 court days prior to the final approval hearing

1	Objections	
2	Hearing on final approval of class action settlement.	November 10, 2025 at 10:30 AM

20. Plaintiff has leave to file a First Amended Complaint adding his cause of action pursuant to PAGA, as alleged in the PAGA Action in the Class Action to include in the Class Complaint cause of action against Defendant for claims for statutory penalties under PAGA identical to those alleged in the PAGA Complaint, thereby consolidating for settlement purposes the Class Action and the PAGA Action. Defendant need not file a responsive pleading to the First Amended Complaint unless the settlement does not obtain the Court's final approval. If the Court denies the motion for final approval, Defendant shall file a responsive pleading to the First Amended Complaint within thirty (30) calendar days of the Court denying the motion for final approval.

21. The Final Approval Hearing and related prior deadlines set forth above may, from time to time and without further notice to the Class (except those who have filed timely and valid objections), be continued or adjourned by Order of the Court.

IT IS SO ORDERED.

Dated: May 13, 2025



Stuart M. Rice

Stuart M. Rice / Judge

Hon. Stuart M. Rice
Judge of the Superior Court