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ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 07/16/2024
By Deputy: Martines, Graviela

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF MONTEREY**

12 GIOVANNY MACIAS ZARATE
13 individually, and on behalf of all other
14 aggrieved employees,

15 Plaintiff,

16 v.

17 McCORMICK & COMPANY,
18 INCORPORATED, a Maryland
19 corporation; and DOES 1 through 50,
20 inclusive,

21 Defendants.

CASE NO.: 23CV002358

[Assigned for All Purposes to Hon. Carrie M.
Panetta, Dept. 14]

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

1 **PROPOSED ORDER GRANTING PRELIMINARY APPROVAL**

2 The Court now has before it Plaintiff's unopposed Motion for Preliminary Approval of
3 Class Action Settlement ("Motion"). After reviewing the Motion, the Class Action, Collective
4 Action, and PAGA Settlement Agreement and Release ("Settlement Agreement"), attached to the
5 Declaration Of Scott Ernest Wheeler In Support Of Plaintiff's Motion For Preliminary Approval
6 Of Class Action Settlement Filed On Behalf Of Plaintiff, and all exhibits attached thereto, and good
7 cause appearing therefore, the Court hereby finds and orders as follows:

8 1. The Court finds on a preliminary basis that the settlement memorialized in the
9 Settlement Agreement appears to be fair and adequate, and falls within the range of reasonableness,
10 and therefore meets the requirement for preliminary approval. The First Amended Complaint will
11 be deemed to be conditionally filed, and Defendant McCormick & Company, Inc., will be deemed
12 to have denied all of the allegations of the First Amended Complaint.

13 2. The Court conditionally certifies for settlement purposes only the following
14 California Class (the "California Class" or "California Settlement Class"):

15 All nonexempt employees who worked at any time for Defendant
16 in the state of California from July 21, 2019 through the date of this Order Granting
17 Preliminary Approval.

18 The Class Period is July 21, 2019 through the date of this Order Granting Preliminary Approval.

19 3. The Court conditionally certifies for settlement purposes only the following FLSA
20 Collective (the "FLSA Class" or "FLSA Settlement Class"):

21 All nonexempt employees who worked at any time for Defendant
22 in the state of California from July 21, 2019 through the date of this Order Granting
23 Preliminary Approval.

24 The FLSA Collective Period is July 21, 2019 through the date of this Order Granting Preliminary
25 Approval.

26 4. The court conditionally certifies for settlement purposes only the portion of this
27 Settlement regarding the Private Attorneys General Act ("PAGA Aggrieved Employees):

28 All non-exempt employees employed by Defendant in the state of California at any
 time during the period of time from May 15, 2022 through the date of this Court's
 Order Granting Final Approval.

1 The PAGA Period means the time from May 15, 2022 through the date of this Court' Order
2 Granting Final Approval.

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

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12 6. The Court appoints, for settlement purposes only, Plaintiff Giovanni Macias Zarate
13 as Representative for the California and FLSA Classes.

14 7. The Court appoints, for settlement purposes only, Scott Ernest Wheeler of the Law
15 Office of Scott Ernest Wheeler as Class Counsel.

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17 8. The Parties are ordered to carry out the Settlement according to the terms of the
18 Settlement Agreement.

19 9. The Court appoints Phoenix Class Action Administration Solutions ("Phoenix") as
20 the Settlement Administrator and orders Phoenix to carry out the administration of the settlement
21 according to the terms of the Settlement Agreement.

22 10. The Court approves as to form and content of the Class Action and PAGA
23 Settlement Notice. The Court finds that the dates selected for the mailing and distribution of the
24 Notice Packet meet the requirements of due process, provide the best notice practicable under the
25 circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

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27 11. If any Class Member objects to the Settlement Agreement, the objecting party is not
28 required, either personally or through counsel: 1) to appear at the hearing on the motion for final

1 approval for that party's objection to be considered; or 2) to file or serve, or to state in the objection,
2 a notice of intention to appear at the hearing on the motion for Final Approval of the Class
3 Settlement.

4 12. Phoenix, the Settlement Administrator, shall provide notice to any objecting party
5 of any continuance of the hearing of Plaintiff's Motion for Final Approval.
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7 13. The Parties are ordered to carry out the Settlement according to the following
8 implementation schedule:

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	Within 20 calendar days after the date of the preliminary approval order
Last day for Settlement Administrator to mail Class Notice	Within 10 calendar days after receiving the Class Information
Last day for Class Members to submit a request for exclusion, an objection to the settlement, or dispute attributed workweeks	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 for Plaintiff to file Motion for Final Approval and Motion for Attorneys' Fees and Costs and Class Representative Service Award	Per Code
Final Approval Hearing	

21 14. At the Final Approval Hearing, the Court will consider whether the Settlement
22 should be finally approved as fair, reasonable and adequate, whether a final judgment should be
23 entered, and whether the payments provided for under the Settlement, including attorneys' fees and
24 costs and class representative service awards, should be finally approved and granted.

25 15. Pending the Final Approval Hearing, all proceedings in this Action, other than

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1 proceedings necessary to implement the Settlement and this Order, are stayed.

2 **IT IS SO ORDERED.**

3 Dated: July 12, 2024

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