

1 **MAYALL HURLEY P.C.**
2 **WILLIAM J. GORHAM, III (SBN: 151773)**
3 **wgorham@mayallaw.com**
4 **ROBERT J. WASSERMANN (SBN: 258538)**
5 **rwasserman@mayallaw.com**
6 **VLADIMIR J. KOZINA (SBN: 284645)**
7 **vjkozina@mayallaw.com**
8 **112 S Church Street**
9 **Lodi, CA 95240**
10 **Telephone: (209) 477-3833**
11 **Facsimile: (209) 473-4818**

12 **Attorneys for Plaintiff Maria Gutierrez**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF SANTA CLARA**

15 **MARIA GUTIERREZ,**

16 **Plaintiff,**

17 **vs.**

18 **THE CHAINARY, INC. DBA VALLIANI**
19 **JEWELERS; and DOES 1-100, inclusive,**

20 **Defendants.**

Case No.: 23CV417695

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

Date: March 19, 2025

Time: 1:30 pm

Dept: 19

21 Plaintiffs Maria Gutierrez' ("Plaintiff") Motion for Preliminary Approval of Class Action and
22 PAGA Settlement ("Motion for Preliminary Approval") came on for hearing on March 19, 2025, at
23 1:30 pm in Department 19 of the above-captioned court. Appearances are reflected in the record. The
24 Court, having fully and carefully reviewed Plaintiff's Motion for Preliminary Approval, the
25 memorandum and declarations in support thereof, and the Settlement Agreement including the
26 proposed Class Notice, hereby makes the following determinations and orders¹:

27 _____
28 ¹ All terms used in this Order Granting Preliminary Approval of Class Action and PAGA Settlement (the "Order")
shall have the same meanings given those terms in the Parties' Joint Stipulation of Class Action Settlement and Release

1 1. Plaintiff's Motion for Preliminary Approval of Class Action Settlement is GRANTED.
2 2. Plaintiff Maria Gutierrez is preliminarily approved as Class Representative.
3 3. Mayall Hurley P.C. is preliminarily approved as Class Counsel.
4 4. Apex Class Action Administration is appointed as the Settlement Administrator and
5 shall administer the Settlement in accordance with the terms set forth in the Settlement Agreement and
6 perform the functions set forth therein. The Court also preliminarily approves declared fees and costs
7 of administering the Settlement of up to \$6,999.90.

8 5. The Class of employees covered by the Parties' Settlement consists of all current and
9 former non-exempt employees of Defendant who worked in California at any time from June 16,
10 2019, through October 25, 2024.

11 6. The Class consists of 283 individuals.

12 7. The Court grants preliminary approval of the Settlement between Plaintiff and
13 Defendant based upon the terms set forth in the Settlement Agreement. The Settlement Agreement
14 appears to be fair, adequate, and reasonable, and the Court preliminarily approves the terms of the
15 Settlement Agreement.

16 8. The Court approves, as to form and content, the Class Notice, in substantially the form
17 attached as **Exhibit A** to the Settlement Agreement. The Court further approves the procedure by
18 which Class Members may opt out of, and object to, the Settlement as set forth in the Settlement
19 Agreement and the Class Notice.

20 9. The Court directs the mailing of the Class Notice in accordance with the terms of the
21 Settlement Agreement and on the schedule set forth below. The Court finds the dates selected for the
22 mailing and distribution of the Class Notice, as set forth below, meet the requirements of due process
23 and provide the best notice practicable under the circumstances and shall constitute due and sufficient
24 notice to all persons entitled thereto.

25 10. Subject to further consideration by the Court at the time of the Final Approval Hearing,
26 the proposed PAGA allocation of \$50,000 and payment to the LWDA is preliminarily approved.

27 _____
28 ("Settlement Agreement", "Settlement", or "SA"), a copy which is attached as **Exhibit 2** to the Declaration of Vladimir J. Kozina.

1 11. Subject to further consideration by the Court at the time of the Final Approval Hearing,
2 the proposed Service Payment of \$10,000 to Plaintiff for her service as Class Representatives are
3 preliminarily approved.

4 12. The Court recognizes and authorizes Class Counsel to inform the Class of its request
5 for attorneys' fees in the amount of \$451,666.67 and declared costs of up to \$16,750. The Court will
6 make a determination with respect to the fees and costs to be awarded at the Final Approval Hearing.

7 13. The Court adopts the following dates and deadlines:

8 Defendant to provide Class Data to the 9 Settlement Administrator.	Within 14 calendar days of the Court's execution of the Order Granting Preliminary Approval.
10 Settlement Administrator to mail 11 Class Notice.	Within 28 calendar days of the Court's execution of the Order Granting Preliminary Approval.
12 Deadline for Class Members to 13 object to, or opt out of, the Settlement.	Within 45 calendar days after Notice mailed
14 Deadline for Plaintiff to file Motions for Final 15 Approval, Attorneys' Fees, Costs, and Service Payments	Not less than 16 court days before the Final Approval hearing.
Final Approval Hearing.	Not less than 95 days after the Court's execution of the Order Granting Preliminary Approval.

16 14. A Final Approval hearing on the question of whether the proposed Settlement,
17 attorneys' fees to Class Counsel, and the Class Representatives' Service Payments should be finally
18 approved as fair, reasonable and adequate is scheduled for _____ at _____
19 in Department 19 of the above-captioned Court. The parties to the Agreement are directed to carry out
20 their obligations under the Settlement Agreement.

21
22 Dated: _____

23
24 _____
25 Judge of the Superior Court
26
27
28