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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

JOSE DE JESUS CHIQUITO DIAZ DE LEON,
individually, and on behalf of all others
similarly situated,

Plaintiff,

v.

PHILCAL, INC., dba FARMER BOYS
VICTORVILLE, a California corporation; and
DOES 1 through 10, inclusive,

Defendants.

Case No.: CIVSB2317424

CLASS ACTION

*[Assigned for all purposes to: Hon. David E.
Driscoll, Dept. S22]*

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

PRELIMINARY APPROVAL HEARING

Date: March 24, 2026

Time: 8:30 a.m.

Dept: S22

Complaint filed: July 28, 2023

FAC filed: February 7, 2024

Trial date: Not set

1 The Court has before it Plaintiff Jose de Jesus Chiquito Diaz de Leon's ("Plaintiff")
2 Motion for Preliminary Approval of Class Action Settlement. Having reviewed the Motion for
3 Preliminary Approval of Class Action Settlement, the Declaration of Tyler J. Woods, the Class
4 Action and PAGA Settlement Agreement and Class Notice (which is referred to here as the
5 "Settlement Agreement"), and good cause appearing, the Court hereby finds and orders as
6 follows:

7 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
8 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
9 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
10 the terms set forth in the Settlement Agreement between Plaintiff Jose de Jesus Chiquito Diaz
11 de Leon and Defendant PhilCal, Inc., dba Farmer Boys Victorville ("Defendant"), attached to
12 the Declaration of Alan Wilcox in Support of Plaintiff's Motion for Preliminary Approval of
13 Class Action Settlement as Exhibit 1.

14 2. The Settlement falls within the range of reasonableness of a settlement which
15 could ultimately be given final approval by this Court, and appears to be presumptively valid,
16 subject only to any objections that may be raised at the Final Approval Hearing and final
17 approval by this Court. The Court notes that Defendant has agreed to create a common fund of
18 \$100,000.00 to cover (a) settlement payments to class members who do not validly opt out; (b)
19 a \$4,000.00 payment to the State of California, Labor & Workforce Development Agency for
20 its share of the settlement of claims for penalties under the Private Attorneys General Act, with
21 75% of which (\$3,000.00) will be paid to the LWDA and 25% (\$1,000.00) will be paid to
22 eligible Aggrieved Employees; (c) Class Representative service payment of up to \$5,000.00 for
23 Plaintiff Jose de Jesus Chiquito Diaz de Leon; (d) Class Counsel's attorneys' fees, not to exceed
24 33 1/3% of the Gross Settlement Amount (\$33,333.33), and up to \$6,500.00 in costs for actual
25 litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to
26 \$6,250.00.

27 3. The Court preliminarily finds that the terms of the Settlement appear to be within
28 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and

1 applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is fair
2 and reasonable to the class members when balanced against the probable outcome of further
3 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
4 significant informal discovery, investigation, research, and litigation have been conducted such
5 that counsel for the parties at this time are able to reasonably evaluate their respective positions;
6 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
7 by the further prosecution of the litigation; and (4) the proposed settlement has been reached as
8 the result of intensive, serious, and non-collusive negotiations between the Parties with the
9 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
10 that the Settlement Agreement was entered into in good faith.

11 4. A final fairness hearing on the question of whether the proposed settlement,
12 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &
13 Workforce Development Agency for its share of the settlement of claims for penalties under the
14 Private Attorneys General Act, and the class representative's enhancement award should be
15 finally approved as fair, reasonable and adequate as to the members of the class is hereby set in
16 accordance with the Implementation Schedule set forth below.

17 5. The Court provisionally certifies for settlement purposes only the following class
18 (the "Settlement Class"): "all persons employed by Defendant in California and classified as
19 hourly-paid or non-exempt employee who worked for Defendant during the Class Period."

20 6. "Class Period" means the period from July 28, 2019 through June 30, 2024.

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

8. The Court appoints as Class Representative, for settlement purposes only, Plaintiff Jose de Jesus Chiquito Diaz de Leon. The Court further preliminarily approves Plaintiff's ability to request an incentive award up to \$5,000.00.

9. The Court appoints, for settlement purposes only, Tyler J. Woods, Alan Wilcox, and Lucy Nguyen of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-third of the Total Settlement Amount (\$33,333.33), and costs not to exceed \$6,500.00.

10. The Court appoints ILYM Group, Inc. as the Settlement Administrator with reasonable administration costs estimated not to exceed \$6,250.00.

11. The Court approves, as to form and content the Class Notice, attached to the Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the Notice to Settlement Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

12. The parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

13. Any class member who does not timely and validly request exclusion from the settlement may object to the Settlement Agreement.

14. The Court orders the following Implementation Schedule:

Defendants to provide Class Data to the Settlement Administrator	15 days after notice of entry of the Court's order granting Motion for Preliminary Approval
Settlement Administrator to mail the Notice Packets	14 days after receipt of the Class Data from the Defendant
Response Deadline	60 days after Notice is mailed out by the Settlement Administrator

1 2	Deadline to Provide Written Objections, if any	60 days after Notice is mailed out by the Settlement Administrator
3 4 5	Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Award to Plaintiff	16 court days before hearing on Motion for Final Approval;
6 7 8 9 10	Final Approval Hearing	_____ at _____ a.m./p.m., or first available date thereafter, in Department S22. The hearing may be continued to another date without further notice to the Class Members.

11 15. The Court further ORDERS that, pending further order of this Court, all
12 proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

13 **IT IS SO ORDERED.**

14
15
16 DATE:

Hon. David E. Driscoll
San Bernardino County Superior Court