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15 on behalf of herself and others similarly situated

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF STANISLAUS**

18 SAMANTHA COUGHLIN, on behalf of herself
19 and others similarly situated,

20 Plaintiff,

21 vs.

22 FRESHPOINT CENTRAL CALIFORNIA,
23 INC.; and DOES 1 to 100, inclusive,

24 Defendants.

Case No.: CV-23-004628

CLASS ACTION

*[Assigned for All purposes to the
Hon. Stacy Speiller, Dept. 22]*

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

*[Filed concurrently with the Notice of Motion
and Motion for Preliminary Approval of Class
Action Settlement; Declaration of Eric J.
Naessig in Support; and [Proposed] Order]*

Hearing Information:

Date: June 11, 2025

Time: 8:30 a.m.

Dept.: 22

1 The Motion for Preliminary Approval of a Settlement came before this Court on June 11,
2 2025 at 8:30 a.m., or as soon thereafter as the matter can be heard in Department 22 of the Stanislaus
3 County Superior Court located at 801 10th Street, 4th Floor, Modesto, CA 95354. The Court, having
4 considered the proposed Class Action and PAGA Settlement Agreement and Class Notice entered
5 into by and between Plaintiff Samantha Coughlin ("Plaintiff") and Defendant FreshPoint Central
6 California, Inc. ("Defendant") attached as **Exhibit 1** to the Declaration of Eric J. Naessig in Support
7 of Plaintiff's Motion for Preliminary Approval of Class Action Settlement, and the Exhibits attached
8 thereto (hereafter collectively, the "Settlement" or "Settlement Agreement"); having considered the
9 Motion for Preliminary Approval of Class Action Settlement filed by the parties; having considered
10 the respective points and authorities and declarations submitted by the parties in support thereof; and
11 good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

18 1. Current and former employees who were classified by Defendant as salaried
19 employees at Defendant's Stanislaus County location at 5900 N. Golden State Blvd, Turlock, CA
20 95382 and did not earn a minimum monthly salary of no less than two times the state minimum wage
21 in California while working for Defendant anytime during the Class Period. The "Class Period" is
22 the period from August 16, 2019, through August 22, 2024.

23 2. For purposes of the Settlement only, the Court further designates named Plaintiff
24 Samantha Coughlin as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq.,
25 Melanie S. Rodriguez, Esq., and Eric J. Naessig, Esq., of Lavi & Ebrahimian, LLP as Class Counsel.

26 3. The Court appoints ILYM Group, Inc., as the Settlement Administrator.

27 4. A final fairness hearing on the question of whether the proposed Settlement should be
28 finally approved as fair, reasonable, and adequate as to the members of the Class is scheduled in

1 Department 22 of the Stanislaus County Superior Court located at 801 10th Street, 4th Floor,
2 Modesto, CA 95354 on 2/3/26, ~~2025~~, at 8:30 a.m. ~~p.m.~~

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

8 6. Counsel for the Parties shall file memoranda, declarations, or other statements and
9 materials in support of their request for final approval by no later than 16 court days prior to the final
10 fairness hearing.

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

14 8. The Court approves, as to form and content, the Class Notice which is appended to
15 the Settlement Agreement.

16 9. No later than fifteen (15) days following the date the Court enters this order, Defendant
17 shall provide the following information to the Settlement Administrator: Class Member identifying
18 information in Defendant's possession including the Class Member's name, last-known mailing
19 address, Social Security number, number of Class Period Workweeks and PAGA Pay Periods. ("Class
20 Data").

21 10. Within fourteen (14) calendar days after receiving the Class Data, the Settlement
22 Administrator shall disseminate the Class Notice to all the Class Members identified in the Class Data
23 by first-class U.S. Mail.

24 11. Class Members shall have sixty (60) calendar days from the date the Settlement
25 Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion
26 from the Settlement or fax, email, or mail an Objection to the Settlement ("Response Deadline").
27 Class Members to whom Notice Packets are resent after having been returned undeliverable to the
28

1 Administrator shall have an additional fourteen (14) calendar days after the Response Deadline has
2 expired.

3 12. The Court finds that the forms of Class Notice to the Class regarding the pendency
4 of the action and of this Settlement, and the methods of giving notice to members of the Settlement
5 Class constitute the best notice practicable under the circumstances and constitute valid, due, and
6 sufficient notice to all members of the Class. They comply fully with the requirements of California
7 Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court
8 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

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

11 14. Class Members who wish to exclude themselves from (opt-out of) the Class
12 Settlement must send the Administrator, by fax, email, or mail, a signed written Request for
13 Exclusion not later than 60 days after the Administrator mails the Class Notice (plus an additional
14 14 days for Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter
15 from a Class Member or the Class Member's representative that reasonably communicates the Class
16 Member's election to be excluded from the Settlement and includes the Class Member's name,
17 signature, address and email address or telephone number. To be valid, a Request for Exclusion
18 must be timely faxed, emailed, or postmarked by the Response Deadline.

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

25 16. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
26 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
27 Order, are stayed.
28

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

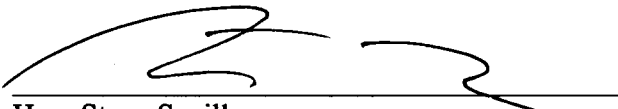
4 18. The Court orders the following Implementation Schedule for further proceedings:

5		
6	Class Data: Last day for Defendant to provide the Settlement Administrator the Class Database	15 days after the Court's entry of this Order
7		
8	Notice Date: last day for Administrator to mail Class Notice to Class Members.	14 days after receipt of the Class Data
9	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
10		
11	Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 Court days prior to the final fairness hearing
12		
13	Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 Court days prior to the final fairness hearing
14		
15	Last day for the Parties to respond to Objections	5 court days prior to the final fairness hearing
16	Hearing on final approval of class action settlement.	Approximately 150 days after the Court grants preliminary approval of the Settlement
17		

18 19. The Fairness Hearing and related prior deadlines set forth above may, from time to
19 time and without further notice to the Class (except those who have filed timely and valid objections),
20 be continued or adjourned by Order of the Court. The Settlement Administrator will provide notice
21 to any objecting Class Member if there is a change in the date and/or time of the Final Approval
22 Hearing.

23
24 **IT IS SO ORDERED.**

25
26 Dated: 9/3/25

27 
28 Hon. Stacy Speiller
Judge of the Superior Court