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Attorneys for Plaintiff KATHY HERNANDEZ,
on behalf of herself and others similarly situated

FILED
Superior Court of California
County of Sacramento
09/26/2024
T. Shaddix, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO**

KATHY HERNANDEZ, on behalf of herself
and others similarly situated,

Plaintiff,

vs.

J. A. SUTHERLAND, INC.; J. A.
SUTHERLAND, INC. DBA TACO BELL;
and DOES 1 to 100, inclusive,

Defendants.

Case No.: 34-2020-00286860-CU-OE-GDS

CLASS ACTION

*[Assigned for all purposes to the Hon. Jill
Talley, Dept. 23]*

**~~[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 Eve Howe in Support
Thereof]*

Hearing Information:

Date: September 20, 2024

Time: 9:00 AM

Dept.: 23

1 The Motion for Preliminary Approval of a Settlement came before this Court on September
2 20, 2024 at 9:00 a.m. in Department 23 of the Sacramento County Superior Court located at 720 9th
3 Street, Sacramento, California 95814. The Court, having considered the proposed Class Action and
4 PAGA Settlement Agreement and Class Notice entered into by and between Plaintiff Kathy
5 Hernandez (“Plaintiff”) and J. A. Sutherland, Inc. (“Defendant”), attached as **Exhibit 1** to the
6 Declaration of Eve Howe in Support of Plaintiff’s Motion for Preliminary Approval of Class Action
7 Settlement, and the Exhibits attached thereto (hereafter collectively, the “Settlement” or “Settlement
8 Agreement”); having considered the Motion for Preliminary Approval of Class Action Settlement
9 filed by the parties; having considered the respective points and authorities and declarations
10 submitted by the parties in support thereof; and good cause appearing, HEREBY ORDERS THE
11 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,
15 the Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently
16 well-defined community of interest among the Class in questions of law and fact. Therefore, for
17 settlement purposes only, the Court grants conditional certification of the following “Class” defined
18 as follows:

19 All persons employed by J.A. Sutherland in California and classified as
20 hourly non-exempt employees who worked for J.A. Sutherland at any time
21 during the Class Period. The “Class Period” is the period from October 8,
22 2016, through May 28, 2023.

23 1. For purposes of the Settlement only, the Court further designates named Plaintiff
24 Kathy Hernandez as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., and
25 Eve Howe, Esq. of Lavi & Ebrahimian, LLP, as Class Counsel.

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

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

1 Department 23 of this Court, located at 720 9th Street, Sacramento, California 95814, on
2 2/21/25, ~~2024~~, at 9:00 a.m./~~p.m.~~

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

8 5. 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
10 final fairness hearing.

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

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

16 8. No later than fifteen (15) calendar days following the date the Court enters this
17 order, Defendant shall provide the following information to the Settlement Administrator: Class
18 Member identifying information in Defendant's possession including the Class Member's name,
19 last-known mailing address, Social Security number, and any other information needed to calculate
20 Individual Settlement Payments and Individual PAGA Payments for the Class ("Class Data").

21 9. 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
23 Data by first-class U.S. Mail.

24 10. 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
2 has expired.

3 11. 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
5 Settlement Class constitute the best notice practicable under the circumstances and constitute
6 valid, due, and sufficient notice to all members of the Class. They comply fully with the
7 requirements of California Code of Civil Procedure section 382, California Civil Code section
8 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
9 and other applicable law.

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

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

20 14. Participating Class Members may send written objections to the Administrator, by
21 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire
22 an attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A
23 Participating Class Member who elects to send a written objection to the Administrator must do
24 so not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional
25 14 days for Class Members whose Class Notice was re-mailed).

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

1 16. 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.

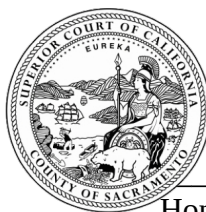
4 17. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendant to provide the Settlement Administrator the Class Database	15 calendar days after the Court's entry of this Order
Notice Date: last day for Administrator to mail Class Notice to Class Members.	14 calendar 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, plus an additional 14 calendar days for Class Members whose notice is re-mailed
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
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
Last day for the Parties to respond to Objections	5 court days prior to the final fairness hearing
Hearing on final approval of class action settlement.	2/21/25 at 9:00 a.m. dept 23

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

21 **IT IS SO ORDERED.**

23 Dated: 09/26/2024



24 *Jill Talley*
Hon. Jill Talley
Judge of the Superior Court