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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

FATIMA FLORES, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

A.I. FOODS CORPORATION, a California
corporation; and DOES 1 through 100,
inclusive,

Defendants.

FILED
Superior Court of California
County of Los Angeles
03/18/2024
David W. Slayton, Executive Officer / Clerk of Court
By: A. Morales Deputy

Case No. 22STCV27843

*[Assigned for all purposes to the Hon.
Lawrence P. Riff, Dept. SSC-7]*

**[FURTHER AMENDED ~~PROPOSED~~]
ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: March 6, 2024
Time: 11:00 a.m.
Dept.: SSC-7

1 The Motion of Plaintiff Fatima Flores (“Plaintiff”) for Preliminary Approval of Class Action
2 Settlement will come on regularly for hearing before this Court on March 6, 2024 at 11:00 a.m. The
3 Court, having considered the proposed Class Action and PAGA Settlement Agreement and Class
4 Notice (the “Settlement”), attached as Exhibit 2 to the Declaration of Elizabeth Nguyen filed
5 concurrently with the Motion; the Addendum to the Class Action and PAGA Settlement Agreement
6 and Class Notice, attached as Exhibit A to the Supplemental Declaration of Milan Moore filed
7 concurrently herewith; having considered Plaintiff’s Motion for Preliminary Approval of Class Action
8 Settlement, Memorandum of Points and Authorities in support thereof, and supporting declarations
9 filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

17 All current and former non-exempt, hourly employees of Defendant A.I.
18 Foods Corporation who worked at any time in California between August
26, 2018 and the date the Preliminary Approval Order is entered.¹

19 2. For purposes of the Settlement, the Court designates named Plaintiff Fatima Flores as
20 Class Representative, and Scott M. Lidman, and Milan Moore of Lidman Law, APC and Paul Haines of
21 Haines Law Group, APC as Class Counsel.

22 3. The Court designates Phoenix Class Action Administration Solutions as the third-party
23 Settlement Administrator for mailing notices.

24 ¹ Based on a review of its records to date, AI Foods represents that there were an estimated 11,250 workweeks during the
25 Class Period. If it is determined that the number of workweeks worked by the Class Members during the Class Period is
26 10% greater than this figure (i.e., if there were actually more than 12,376 Workweeks worked by the Class Members
27 during the Class Period), then Defendant, at its option agrees to either: (1) increase the Gross Settlement Amount on a
28 proportional basis to the extent the threshold is exceeded (e.g., if there was an 11% increase in the number of Workweeks
worked by the Class Members during the Class Period), the Gross Settlement Amount will increase by eleven percent
(11%); or (2) elect to end the Class Period, PAGA Period and release periods on the date on which the total number of
actual workweeks is closest to and does not exceed 12,375 total workweeks). Settlement, ¶ 9.

1 4. The Court approves, as to form and content, the Court Approved Notice of Class Action
2 Settlement and Hearing Date for Final Court Approval (“Class Notice”) and is attached to the Settlement
3 as Exhibit A.

4 5. The Court finds that the form of notice to the Settlement Class regarding the pendency of
5 the action and of the Settlement, and the methods of giving notice to members of the Settlement Class,
6 constitutes the best notice practicable under the circumstances, and constitute valid, due, and sufficient
7 notice to all members of the Settlement Class. The form and method of giving notice complies fully
8 with the requirements of California Code of Civil Procedure section 382, California Civil Code section
9 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and
10 other applicable law.

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

13 7. The procedures and requirements for filing objections in connection with the Final
14 Fairness Hearing are intended to ensure the efficient administration of justice and the orderly
15 presentation of any Settlement Class Member’s objection to the Settlement, in accordance with the due
16 process rights of all Settlement Class Members.

17 8. The Court directs the Settlement Administrator to mail the Class Notice to the members
18 of the Settlement Class in accordance with the terms of the Settlement.

19 9. The Class Notice shall provide at least 60 calendar days’ notice for members of the
20 Settlement Class to opt out of, or object to, the Settlement.

21 10. The Final Fairness Hearing on the question of whether the Settlement should be finally
22 approved as fair, reasonable, and adequate is scheduled in Department 7 of this Court, located at 312
23 North Spring Street, Los Angeles, California, 90012 on July 23, 2024 at 10:00 a.m.

24 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should
25 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment
26 granting final approval of the Settlement should be entered; and (c) whether Plaintiff’s application for
27 reasonable attorneys’ fees, reimbursement of litigation expenses, service payment to Plaintiff, and
28

payment to the Labor and Workforce Development Agency (“LWDA”) for penalties under the Labor Code Private Attorneys General Act (“PAGA”) should be granted.

12. Counsel for the parties shall file memoranda, declarations, or other statements and materials in support of their request for final approval of the Settlement, attorneys’ fees, litigation expenses, Plaintiff’s service award, settlement administration costs, and payment to the LWDA for PAGA penalties prior to the Final Fairness Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

13. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to Settlement Administrator	20 calendar days after issuance of the preliminary approval order
Settlement Administrator to mail Notice Packets to Class Members	14 calendar days after receiving Class Information from Defendant
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	60 calendar days after mailing of the Notice by the Settlement Administrator
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	June 28, 2024
Final Fairness Hearing:	July 23, 2024 at 10:00 a.m.

14. Pending the Final Fairness Hearing, all proceedings in this action, other than proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are stayed.

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

IT IS SO ORDERED.

Dated: 03/18/2024, 2024



A handwritten signature in black ink, appearing to read "Lawrence P. Riff".

Lawrence P. Riff / Judge

Honorable Lawrence P. Riff
Judge of the Superior Court