

LIDMAN LAW, APC

Scott M. Lidman (SBN 199433)
slidman@lidmanlaw.com
Elizabeth Nguyen (SBN 238571)
enguyen@lidmanlaw.com
Milan Moore (SBN 308095)
mmoore@lidmanlaw.com
2155 Campus Drive, Suite 150
El Segundo, California 90245
Tel: (424) 322-4772
Fax: (424) 322-4775

Attorneys for Plaintiff
FATIMA FLORES

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiff
FATIMA FLORES

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.

Case No. 22STCV27843

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

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

Date: January 16, 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 January 16, 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; having considered Plaintiff’s Motion for Preliminary Approval of Class
6 Action Settlement, Memorandum of Points and Authorities in support thereof, and supporting
7 declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

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

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

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

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

22 4. The Court approves, as to form and content, the Court Approved Notice of Class Action
23 Settlement and Hearing Date for Final Court Approval (“Class Notice”) and is attached to the Settlement
24

25 ¹ Based on a review of its records to date, AI Foods represents that there were an estimated 11,250 workweeks during the
26 Class Period. If it is determined that the number of workweeks worked by the Class Members during the Class Period is
27 10% greater than this figure (*i.e.*, if there were actually more than 12,376 Workweeks worked by the Class Members
28 during the Class Period), then Defendant, at its option agrees to either: (1) increase the Gross Settlement Amount on a
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 as Exhibit A.

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

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

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

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

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

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

23 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should
24 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment
25 granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for
26 reasonable attorneys' fees, reimbursement of litigation expenses, service payment to Plaintiff, and
27 payment to the Labor and Workforce Development Agency ("LWDA") for penalties under the Labor
28 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:	
Final Fairness Hearing:	_____, 2024 at _____ a.m./p.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: _____, 2024

Honorable Lawrence P. Riff
Judge of the Superior Court