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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

ALBERTO ACOSTA, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

ROXFORD PRODUCE INTERNATIONAL,
LLC DBA VALLARTA SUPERMARKETS, a
California limited liability company; and DOES
1 through 10, inclusive,

Defendants.

Case No.: 23STCV28669

[Related Case No. 24STCV01103]

*[Assigned for All Purposes to the Hon. Laura
A. Seigle, Dept. 17]*

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

Preliminary Approval Hearing:

Date: June 29, 2026

Time: 9:00 a.m.

Dept: 17

Action Filed: November 21, 2023

1 **~~PROPOSED~~ ORDER**

2 Having reviewed Plaintiff Alberto Acosta's (hereinafter "Plaintiff") Motion for
3 Preliminary Approval of Class Action and PAGA Settlement ("Motion"), the Declaration of
4 John G. Yslas, the Declaration of Alberto Acosta, the Declaration of Sean Hartranft, the
5 Declaration of Courtney M. Miller, and the amended Class Action and PAGA Settlement
6 Agreement ("Settlement Agreement"), and good cause appearing, the Court finds and HEREBY
7 ORDERS THE FOLLOWING:

8 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
9 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
10 The Court grants preliminary approval of the Settlement and the Settlement Class based on the
11 terms set forth in the Settlement Agreement between Plaintiff and Defendant Roxford Produce
12 International, LLC ("Defendant"), attached to the Declaration of Courtney M. Miller in Support
13 of Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement as
14 **Exhibit 2.**

15 2. The Settlement falls within the range of reasonableness of a settlement which
16 could ultimately be given final approval by this Court, and appears to be presumptively valid,
17 subject only to any objections that may be raised at the Final Approval Hearing and final
18 approval by this Court. The Court notes that Defendant has agreed to create a common fund of
19 \$512,220.00 to cover (a) settlement payments to Class Members who do not validly opt out; (b)
20 a \$25,000.00 allocation toward civil penalties under the California Private Attorneys General
21 Act of 2004 ("PAGA"), 75% of which (\$18,750.00) will be paid to California's Labor &
22 Workforce Development Agency ("LWDA") and 25% of which (\$6,250.00) will be paid to
23 Aggrieved Employees; (c) a Class Representative Service Payment of up to \$10,000.00 to
24 Plaintiff; (d) Class Counsel's attorneys' fees not to exceed one third (1/3) of the Gross
25 Settlement Amount (currently estimated to be \$170,740.00), and up to \$30,000.00 in costs for
26 actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs
27 of up to \$8,590.00.

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1 3. The Court preliminarily finds that the terms of the Settlement appear to be within
2 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
3 applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair
4 and reasonable to the Class Members when balanced against the probable outcome of further
5 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
6 significant informal discovery, investigation, research, and litigation have been conducted such
7 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
8 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
9 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as
10 the result of intensive, serious, and non-collusive negotiations between the Parties with the
11 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
12 that the Settlement Agreement was entered into in good faith.

13 4. A final approval hearing on the question of whether the proposed Settlement,
14 attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement
15 of claims for penalties under PAGA, and the Class Representative Service Payment should be
16 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set
17 in accordance with the Implementation Schedule set forth below.

18 5. The Court provisionally certifies for settlement purposes only the following class
19 (the "Class"): "all current and former hourly, non-exempt employees who worked for Defendant
20 in California at any time from May 27, 2019 through September 7, 2025."

21 6. "Class Period" means the period from May 27, 2019, through September 7, 2025.

22 7. "Aggrieved Employees" means all current and former hourly, non-exempt
23 employees who worked for Defendant in California at any time during the PAGA Period.

24 8. "PAGA Period" means the period from November 12, 2022, through September
25 7, 2025.

26 9. The Court finds, for settlement purposes only, that the Settlement Class meets the
27 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
28 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions

1 of law and fact that are common, or of general interest, to all Settlement Class Members, which
2 predominate over individual issues; (3) Plaintiff's claims are typical of the claims of the
3 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
4 the interests of the Settlement Class Members; and (5) a class action is superior to other
5 available methods for the fair and efficient adjudication of the controversy.

6 10. The Court appoints as Class Representative, for settlement purposes only,
7 Plaintiff Alberto Acosta. The Court further preliminarily approves Plaintiff's ability to request
8 an incentive award of up to \$10,000.00.

9 11. The Court appoints, for settlement purposes only, John G. Yslas, Diego Aviles,
10 Harry Erganyan, Mariam Nazaretyan, Emily K. Borman, and Courtney M. Miller of Wilshire
11 Law Firm, PLC, as Class Counsel. The Court further preliminarily approves Class Counsel's
12 ability to request attorneys' fees of up to one third (1/3) of the Gross Settlement Amount
13 (currently estimated to be \$170,740.00), and litigation costs not to exceed \$30,000.00.

14 12. The Court appoints Apex Class Action as the Settlement Administrator with
15 reasonable administration costs estimated not to exceed \$8,590.00.

16 13. The Court approves, as to form and content the revised Class Notice, attached to
17 the Declaration of Courtney M. Miller in Support of Plaintiff's Motion for Preliminary Approval
18 of Class Action and PAGA Settlement as **Exhibit 4**. The Court finds on a preliminary basis that
19 plan for distribution of the Class Notice to Settlement Class Members satisfies due process,
20 provides the best notice practicable under the circumstances, and shall constitute due and
21 sufficient notice to all persons entitled thereto.

22 14. The Parties and the Administrator are ordered to carry out the Settlement
23 according to the terms of the Settlement Agreement.

24 15. Any Class Member who does not timely and validly request exclusion from the
25 Settlement may object to the Settlement Agreement.

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16. The Court orders the following Implementation Schedule:

Event	Timing
Class Data: Last day for Defendant to provide Class Data to the Administrator	10 days after the Court grants Preliminary Approval of the Settlement
Class Notice: Last day for Administrator to mail the Class Notice to Class Members	14 days after receipt of the Class Data
Response Deadline: Last day for Class Members to submit Requests for Exclusion, Objections to the Settlement, and challenges to Workweeks and/or Pay Periods	45 days after Class Notice is mailed out by the Administrator (with an additional 14 days for Class Members whose Class Notice was remailed)
Filing Deadline: Last day to file Motion for Final Approval of Settlement, Request for Attorneys' Fees and Costs, and Class Representative Service Payment to Plaintiff	16 court days before the Final Approval Hearing
Final Approval Hearing	November 5, 2026, at 9:00 a.m./ p.m. in Dept. 17 of the above-referenced Court

17. The Court further ORDERS that, pending further Order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

IT IS SO ORDERED.

DATE: 06/29/2026



Laura A. Seigle

HON. LAURA A. SEIGLE
JUDGE OF THE SUPERIOR COURT
Laura A. Seigle / Judge