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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

KYND DANIEL, on behalf of herself and all
others similarly situated,

Plaintiff,

vs.

UBATUBA ACAI, LLC, a California limited
liability company; UBATUBA ACAI
BEVERLY GROVE, LLC, a California limited
liability company; UBATUBA ACAI
BURBANK, LLC, a California limited liability
company; UBATUBA ACAI CAMARILLO,
LLC, a California limited liability company;
UBATUBA ACAI EXPANSION LLC, a
California limited liability company;
UBATUBA ACAI KOREATOWN, LLC, a
California limited liability company;
UBATUBA ACAI MELROSE, LLC, a
California limited liability company;
UBATUBA ACAI MOORPARK, LLC, a
California limited liability company;
UBATUBA ACAI NORTH, LLC, a California
limited liability company; UBATUBA ACAI
PASADENA, LLC, a California limited liability
company; UBATUBA ACAI SANTA
MONICA, LLC, a California limited liability
company; UBATUBA ACAI SHERMAN
OAKS, LLC, a California limited liability

Case No.: 23STCV29059

**CLASS AND REPRESENTATIVE
ACTION**

*[Assigned for all purposes to Hon.
Timothy P. Dillon, Dept, SSC-15]*

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

Date: June 23, 2026

Time: 10:00 a.m.

Dept.: SSC-15

Action Filed: December 4, 2023

Trial Date: None Set

company; UBATUBA ACAI SLO, LLC, a
California limited liability company;
UBATUBA ACAI STUDIO CITY, LLC, a
California limited liability company;
UBATUBA ACAI THOUSAND OAKS, LLC,
a California limited liability company;
UBATUBA ACAI VALENCIA, LLC, a
California limited liability company;
UBATUBA ACAI VENTURA, LLC, a
California limited liability company;
UBATUBA ACAI WOODLAND HILLS, LLC,
a California limited liability company; and
DOES 1 through 100, inclusive,

Defendants.

1 The Motion of Plaintiff Kynd Daniel (“Plaintiff”) for Preliminary Approval of Class
2 Action and PAGA Action Settlement (the “Motion”) came on regularly for hearing before this
3 Court on June 23, 2026 at 10:00 a.m. This Court, having considered the proposed Settlement
4 Agreement (the “Settlement”) attached to the Declaration of Fawn Bekam filed concurrently with
5 the Motion; and having considered the Motion, Memorandum of Points and Authorities in support
6 thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY
7 ORDERS AS FOLLOWS:

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

15 All current and former non-exempt employees of Defendants who
16 worked in California at any time from December 4, 2019 to January 10,
 2025, who did not execute an arbitration agreement.

17 2. For purposes of the Settlement, the Court designates Plaintiff as Class
18 Representative, and designates Abramson Labor Group as Class Counsel.

19 3. The Court designates Phoenix Settlement Administrators as the third-party
20 Settlement Administrator for mailing notices.

21 4. The Court approves, as to form and content, the Class Notice and Notice of
22 Estimated Settlement Award attached as Exhibits A and B, respectively, to the Settlement, (the
23 “Notice Packet”).

24 5. The Court finds that the form of notice to the Settlement Class regarding the
25 pendency of the action and of the Settlement, and the methods of giving notice to members of
26 the Settlement Class, constitute the best notice practicable under the circumstances, and
27 constitute valid, due, and sufficient notice to all of the Settlement Class members. The form and
28 method of giving notice complies fully with the requirements of California Code of Civil

Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

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

7. The procedures and requirements for filing objections in connection with the Final Approval Hearing are intended to ensure the efficient administration of justice and the orderly presentation of any valid objection to the Settlement in accordance with due process.

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

9. The Final Approval Hearing on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in Department SSC-15 of this Court, located at 312 N. Spring Street, Los Angeles, California 90012 on _____, 2026 at _____ a.m./p.m.

10. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's application for reasonable attorneys' fees, reimbursement of litigation expenses, service payment to Plaintiff, settlement administration costs, and payment to the Labor & Workforce Development Agency ("LWDA") for penalties under the Labor Code Private Attorneys General Act ("PAGA") should be granted.

11. 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 payment, payment to the LWDA, and settlement administration costs, prior to the Final Approval Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

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12. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to the Settlement Administrator no later than [14 Court days after preliminary approval]:	July 14, 2026
Settlement Administrator to mail Notice Packets to Settlement Class members no later than [7 business days after receiving Class Data]:	July 23, 2026
Deadline for Settlement Class members to request exclusion from, or object to, the Settlement [60 calendar days after mailing]:	September 21, 2026
Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:	_____, 2026
Final Approval Hearing:	_____, 2026

13. Pending the Final Approval 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.

14. 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: _____, 2026

Hon. Timothy P. Dillon
Judge of the Superior Court