

FILEDBY SUPERIOR COURT OF CALIFORNIA,
COUNTY OF NEVADA

6/20/2025

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF NEVADA

AMANDA POWELL, individually, and on
 behalf of other members of the general public
 similarly situated and on behalf of other
 aggrieved employees pursuant to the
 California Private Attorneys General Act;

Plaintiff,

vs.

BRIARPATCH COOPERATIVE OF
 NEVADA, INC., a California corporation;
 BRIARPATCH FOOD CO-OP, an unknown
 business entity; NEVADA COUNTY
 BRIARP, an unknown business entity; and
 DOES 1 through 100, inclusive,

Defendants.

Case No. CU0001207

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

Date: June 20, 2025

Time: 10:00 a.m.

Judge: Hon. Robert Tice-Raskin

Dept.: 6

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1 This matter having come before the Honorable Robert Tice-Raskin of the Superior Court of the
2 State of California, in and for the County of Nevada, at 10:00 a.m. on June 20, 2025, with Jean-Claude
3 Lapuyade, Esq., of the JCL Law Firm, APC, Shani O. Zakay, Esq. of the Zakay Law Group, APLC
4 and Brian J. St. John, Esq. of Lawyers for Justice, PC as counsel for Plaintiff AMANDA POWELL
5 (“Plaintiff”), and Robert I. Lockwood, Esq., and William A. Cosmopulos, Esq. of Littler Mendelson,
6 P.C. appearing for Defendants BRIARPATCH COOPERATIVE OF NEVADA, INC., BRIARPATCH
7 FOOD CO-OP, and NEVADA COUNTY BRIARP (hereinafter “Defendants”). The Court, having
8 carefully considered the briefs, argument of counsel and all the matters presented to the Court, and
9 good cause appearing, hereby GRANTS Plaintiff’s Motion for Preliminary Approval of Class Action
10 and PAGA Settlement.

11 **IT IS HEREBY ORDERED:**

12 The motion for approval of preliminary class action and PAGA settlement is granted.

13 Pre-trial settlement of complex class actions is a judicially favored remedy. *Officers for Justice*
14 *v. Civil Serv. Comm’n* (9th Cir. 1982) 688 F.2d 615, 625 (“Voluntary conciliation and settlement are
15 the preferred means of dispute resolution.”). Class action settlement approval requires an early
16 “preliminary” review by the trial court and a subsequent “final” review after notice of the settlement
17 has been distributed to class members for their comments and objections. Rules of Court, rule 3.769(c)-
18 (g); *Cellphone Termination Fee Cases*, 180 Cal.App.4th 1110, 1118 (2010) (the court first
19 “preliminarily approves the settlement” and later “conducts a final approval hearing to inquire into the
20 fairness of the proposed settlement”).

21 Preliminary approval is warranted if the settlement falls within a “reasonable range.” *See North*
22 *County Contractor’s Assn., Inc. v. Touchstone Ins. Services* (1994) 27 Cal.App.4th 1085, 1089-
23 90. Reasonableness and fairness are presumed where: (1) the settlement is reached through “arms-
24 length bargaining;” (2) investigation and discovery are “sufficient to allow counsel and the court to act
25 intelligently;” (3) counsel is “experienced in similar litigation. . . .” *Dunk v. Ford Motor Co.* (1996)
26 48 Cal.App.4th 1794, 1802. The presumption of fairness is consistent with California’s public policy
27 goal of favoring settlements. *Stambaugh v. Super. Ct* (1976) 62 Cal.App.3d 231, 236 (“the law wisely
28 favors settlements”); *Cellphone Termination Fee Cases* (2009) 180 Cal.App.4th 1110, 1118 (“public

1 policy generally favors the compromise of complex class action litigation”); *7-Eleven Owners for Fair*
2 *Franchising v. Southland Corp.* (2000) 85 Cal.App.4th 1135, 1151 (“voluntary conciliation and
3 settlement are the preferred means of dispute resolution ... [t]his is especially true in complex class
4 action litigation”). Additionally, in reviewing the fairness of a class action settlement, due regard
5 should be given to what is “otherwise a private consensual agreement between the parties.” *Cellphone*
6 *Termination Fee Cases, supra* 186 Cal.App.4th at 1389. The inquiry “must be limited to the extent
7 necessary to reach a reasoned judgment that the agreement is not the product of fraud or overreaching
8 by, or collusion between, the negotiating parties, and that the settlement, taken as a whole, is fair,
9 reasonable and adequate to all concerned.” *Id.*

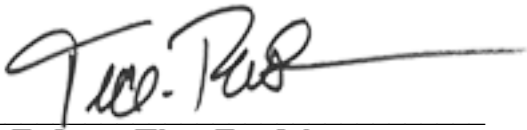
10 Class actions are statutorily authorized “when the question is one of common or general interest,
11 of many persons, or when the parties are numerous, and it is impracticable to bring them all before the
12 court” Civ. Proc. Code § 382; *Lee v. Dynamex, Inc.* (2008) 166 Cal.App.4th 1325, 1332. Class
13 certification is appropriate when there is an “ascertainable class and a well-defined community of
14 interest among class members.” *Sav-On Drug Stores, Inc.* (2014) 34 Cal.4th 319, 326. Class treatment
15 is appropriate even if class members at some point may be required to make an individual showing as
16 to eligibility for recovery. *Bufile v. Dollar Financial Group, Inc.* (2008) 162 Cal.App.4th 1193,
17 1207; *Sav-On*, 34 Cal.4th at 333.

18 Here, the proposed class is ascertainable and there is a well-defined community of interest among
19 the settlement class members. The settlement was reached through arms-length bargaining at
20 mediation. The settlement falls within the ballpark of reasonableness. Additionally, the proposed
21 notice informs the class about the case and its settlement. The court preliminarily approves the class
22 representative enhancement and the attorney’s fees and litigation costs. The motion for preliminary
23 class action settlement is granted.

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1 Pursuant to Rules of Court, rule 3.769(e), the Court hereby sets the hearing for Plaintiff's Motion
2 for Final Approval of Class Action and PAGA Settlement and Plaintiff's Motion for Attorneys' Fees
3 and Litigation Costs and Class Representative Payment for December 19, 2025, at 10:00 a.m. in Dept.
4 6.

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6 Dated: June 20, 2025


S. Robert Tice-Raskin
JUDGE OF THE SUPERIOR COURT