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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 12 **FOR THE COUNTY OF SACRAMENTO**

14 AARON ALVAREZ and MICHAEL ARMOUR,
 individually, and on behalf of all others similarly
 15 situated,

16 *Plaintiffs,*

17 v.

18 AMAROK LLC, a Delaware limited liability
 company; and DOES 1 through 10, inclusive,

19 *Defendants.*

Case No.: 24CV008395 (Lead Case)
 Case No.: 24CV013383

Assigned for all purposes to:
Hon. Jill H. Talley
Dept. 23

[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT

Date: May 16, 2025
 Time: 9:00 a.m.
 Dept.: 23

Reservation # A-08395-001

1 **[PROPOSED] ORDER**

2 Having reviewed Plaintiffs Aaron Alvarez and Michael Armour's ("Plaintiffs") Motion
3 for Preliminary Approval of Class Action and PAGA Settlement ("Motion"), the Declaration of
4 John G. Yslas, Plaintiffs' declarations, and the Class Action and PAGA Settlement Agreement
5 ("Settlement Agreement"), and good cause appearing, the Court finds and orders as follows:

6 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
7 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
8 The Court grants preliminary approval of the Settlement and the Settlement Class based on the
9 terms set forth in the Settlement Agreement between Plaintiffs and Defendant Amarok LLC
10 ("Defendant"), attached to the Declaration of John G. Yslas in Support of Plaintiffs' Motion for
11 Preliminary Approval of Class Action and PAGA Settlement as **Exhibit 1**.

12 2. The Settlement falls within the range of reasonableness of a settlement which
13 could ultimately be given final approval by this Court, and appears to be presumptively valid,
14 subject only to any objections that may be raised at the Final Approval Hearing and final
15 approval by this Court. The Court notes that Defendant has agreed to create a common fund of
16 \$100,000.00 to cover (a) settlement payments to Class Members who do not validly opt out; (b)
17 a \$10,000.00 allocation toward civil penalties under the Private Attorneys General Act, 75% of
18 which (\$7,500.00) will be paid to the State of California, Labor & Workforce Development
19 Agency and 25% of which (\$2,500.00) will be paid to eligible Aggrieved Employees; (c)
20 Incentive Award ("Class Representative Service Payment") of up to \$5,000.00 to each Plaintiff
21 (for a total of \$10,000.00); (d) Class Counsel's attorneys' fees, not to exceed one-third (1/3) of
22 the Gross Settlement Amount (i.e., \$33,333.33), and up to \$15,000.00 in costs for actual
23 litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to
24 \$3,500.00.

25 3. The Court preliminarily finds that the terms of the Settlement appear to be within
26 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
27 applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair
28 and reasonable to the Class Members when balanced against the probable outcome of further

1 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
2 significant informal discovery, investigation, research, and litigation have been conducted such
3 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
4 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
5 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as
6 the result of intensive, serious, and non-collusive negotiations between the Parties with the
7 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
8 that the Settlement Agreement was entered into in good faith.

9 4. A final fairness hearing on the question of whether the proposed Settlement,
10 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &
11 Workforce Development Agency for its share of the settlement of claims for penalties under the
12 Private Attorneys General Act, and the Class Representative's Service Payment should be
13 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set
14 in accordance with the Implementation Schedule set forth below.

15 5. The Court provisionally certifies for settlement purposes only the following class
16 (the "Class"): means "current and former non-exempt employees of Defendant employed in
17 California during the Class Period."

18 6. "Class Period" means the period from April 30, 2020 through the date of the
19 Preliminary Approval Order.

20 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
21 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
22 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
23 of law and fact that are common, or of general interest, to all Settlement Class Members, which
24 predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the
25 Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect
26 the interests of the Settlement Class Members; and (5) a class action is superior to other
27 available methods for the fair and efficient adjudication of the controversy.

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1 8. The Court appoints as Class Representative, for settlement purposes only,
2 Plaintiffs. The Court further preliminarily approves Plaintiffs’ ability to request an incentive
3 award up to \$5,000.00 each.

4 9. The Court appoints, for settlement purposes only, John G. Yslas, Samantha A.
5 Smith, Eugene Zinovyev, John Brown, Gabrielle Solé, and Lisa B. Iturriaga of Wilshire Law
6 Firm, PLC, as Class Counsel. The Court further preliminarily approves Class Counsel’s ability
7 to request attorneys’ fees of up to one-third of the Gross Settlement Amount (i.e., \$33,333.33),
8 and costs not to exceed \$15,000.00.

9 10. The Court appoints APEX Class Action Administration (“APEX”) as the
10 Settlement Administrator with reasonable administration costs estimated not to exceed
11 \$3,500.00.

12 11. The Court approves, as to form and content the Class Notice, attached to the
13 Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the
14 Notice to Settlement Class Members satisfies due process, provides the best notice practicable
15 under the circumstances, and shall constitute due and sufficient notice to all persons entitled
16 thereto.

17 12. The Parties are ordered to carry out the Settlement according to the terms of the
18 Settlement Agreement.

19 13. Any Class Member who does not timely and validly request exclusion from the
20 Settlement may object to the Settlement Agreement.

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14. The Court orders the following implementation schedule:

EVENT:	DEADLINE:
Defendant to provide Class List to the Settlement Administrator	21 calendar days after the Court grants Preliminary Approval of the Settlement
Settlement Administrator to mail the Notice Packets	14 calendar days after receipt of the Class Data
Class Member Opt Out, Objection and Workweek and/or Pay Period Dispute Deadline	45 days after mailing Notice to Class
Deadline for Administrator to Submit Declaration in Support of Motion for Final Approval	At least 10 court days before the Final Approval Hearing
Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Awards to Plaintiff	16 court days before the calendared Final Approval Hearing
Final Approval Hearing	_____, 2025 at _____ a.m./p.m. (suggested September 16, 2025)

15. 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:

Hon. Jill H. Talley
Sacramento County Superior Court