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Superior Court of California,  
County of San Diego  
10/14/2024 3:40:47 PM

Clerk of the Superior Court  
By C. Miranda ,Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO**

GLANIYI URDIERA, individually and on  
behalf of others similarly situated,

Plaintiff,

vs.

COCINA DEL CHARRO, INC., a California  
corporation; JOSE MONFORTE, an  
individual; NORMA MONFORTE, an  
individual; and DOES 1 through 100,  
inclusive,

Defendants.

Case No.: 37-2023-00035395-CU-OE-CTL

*[Assigned for ALL Purposed to the Honorable  
Judge Katherine Bacal – Dept. C-63]*

~~REVISED~~ ~~PROPOSED~~ ORDER  
GRANTING MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT

~~REVISED~~ ~~PROPOSED~~ ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT

**PROPOSED ORDER**

Plaintiff Glaniyi Urdiera's (hereinafter "Plaintiff") Motion for Preliminary Approval of Class Action Settlement ("Motion") came on regularly for hearing before this Court on October 11, 2024 at 1:30 p.m. The Court, having considered Plaintiff's Motion, the memorandum of points and authorities in support thereof, and the supporting declarations filed therewith, including the Stipulation of Settlement ("Settlement") attached as Exhibit A to the Declaration of Sam Sani filed in support of the Motion, and good cause appearing, **HEREBY ORDERS THE FOLLOWING:**

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

All persons employed by Defendants Cocina Del Charro, Inc., Jose Monforte, and Norma Monforte as hourly-paid (non-exempt) employees at 890 W. Valley Parkway Escondido, California 92025 (the "Escondido Location") at any time during the period from July 27, 2019, through the date the Court orders preliminary approval of the settlement ("Class Period").

2. For purposes of the Settlement, the Court designates named Plaintiff Glaniyi Urdiera as Class Representative, and designates Sam Sani of Sani Law, APC as Class Counsel.

3. The Court designates Phoenix Class Action Administrations as the third-party Claims Administrator for mailing notices.

4. The Court approves, as to form and content, the Notice Packet, comprised of (1) the Class Notice, and (2) the Notice of Settlement Award attached as Exhibit B to the Declaration of Sam Sani filed in support of the Motion.

5. The Court finds that the form of notice to the Settlement Class regarding the pendency of the action and of the Settlement, and the methods of giving notice to members of the

1 Settlement Class, constitute the best notice practicable under the circumstances, and constitute  
2 valid, due, and sufficient notice to all members of the Settlement Class. The form and method of  
3 giving notice complies fully with the requirements of California Code of Civil Procedures § 382,  
4 California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and  
5 other applicable law.

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

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

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

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

16 10. The Final Fairness Hearing on the question of whether the Settlement should be  
17 finally approved as fair, reasonable, and adequate is scheduled in Department C-63 of this Court,  
18 located at 330 West Broadway, San Diego, California 92101, on March 11, 2025 at 1:30 p.m.

19 11. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement  
20 should be approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a  
21 judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's  
22 application for an enhancement payment, claims administration costs, Labor and Workforce  
23 Development Agency's ("LWDA") share of PAGA penalties, and Class Counsel's attorneys' fees  
24 and costs should be granted.

25 12. Counsel for the Parties shall file memoranda, declarations, or other statements and  
26 materials in support of their request for final approval of Plaintiff's application for an  
27 enhancement payment, claims administration costs, and Class Counsel's attorneys' fees and costs  
28 no later than February 14, 2025.

13. An implementation schedule is below:

| Event                                                                                               | Date                                                                                                                      |
|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Defendants to provide class contact information to Claims Administrator no later than:              | Within 10 business days after entry of Order granting preliminary approval of Settlement                                  |
| Claims Administrator to mail the Class Notice to the Settlement Class no later than:                | Within 7 calendar days from Claims Administrator's receipt of class contact information from Defendant                    |
| Deadline for Class Members to submit disputes, request exclusion from, or object to the Settlement: | Within 60 calendar days of the date of the Claims Administrator's initial mailing of the Class Notice to Settlement Class |
| Final Fairness Hearing:                                                                             | March 11, 2025<br>at 1:30 pm                                                                                              |

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 that are not materially inconsistent with either this Order or the terms of the Settlement.

**IT IS SO ORDERED.**

Dated: 10/14/24 2024

Honorable Katherine Bacal  
Judge of the Superior Court  
Judge Katherine A. Bacal