

Maralle Messrelian, Esq. (SBN 316974)
maralle@mmlawapc.com
MM LAW, APC
500 N. Brand Blvd., Suite 2000
Glendale, CA 91203
Telephone (818) 810-7747
Facsimile (818) 230-9018

Attorneys for Plaintiffs,
CRUZ DE LEON SERRANO, GRACIELA RODRIGUEZ,
and all others similarly situated

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CONTRA COSTA
(UNLIMITED JURISDICTION)

CRUZ DE LEON SERRANO and
GRACIELA RODRIGUEZ, on behalf of
themselves and all others similarly situated, and
the general public, and as “Aggrieved
Employees” on behalf of other “Aggrieved
Employees” under the Private Attorneys
General Act of 2004,

Plaintiffs,

vs.

KOHANA COFFEE, LLC; WESTROCK
COFFEE COMPANY; WESTROCK COFFEE
COMPANY, LLC; and DOES 1 to 25,
inclusive,

Defendant(s).

Case No.: C24-02642

*[Assigned for all purposes to The Honorable
Edward G. Weil, Dept. 39]*

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

Action filed: 10/01/2024
Hearing Date: 08/14/2025
Hearing Time: 9:00 a.m.
Hearing Dept: 39, Hon. Edward G. Weil

1 Plaintiffs Cruz De Leon Serrano and Graciela Rodriguez's ("Plaintiffs") unopposed
2 Motion for Preliminary Approval of Joint Stipulation of Class Action and PAGA Settlement
3 was scheduled for hearing before the Court on August 14, 2025, at 9:00 a.m., the Honorable
4 Edward G. Weil, Judge presiding.

5 The Court, having considered the Joint Stipulation of Class Action and PAGA
6 Settlement and Release ("Settlement"), executed by the Parties on May 28, 2025 and attached as
7 Exhibit 1 to the Declaration of Maralle Messrelian filed on July 20, 2025, and the exhibits
8 attached thereto; having considered Plaintiff's Unopposed Motion for Preliminary Approval of
9 Class Action Settlement, memorandum of points and authorities, supporting declarations filed
10 therewith, and good cause appearing thereto, HEREBY ORDERS THE FOLLOWING:

11 1. The Court grants preliminary approval of the Settlement and the Class based
12 upon the terms set forth in the Settlement filed previously. All capitalized terms used herein
13 shall have the same meaning as defined in the Settlement. The Court has determined there is
14 sufficient evidence to suggest that (a) the terms of the Settlement might be fair, adequate, and
15 reasonable to the Class and (b) the Settlement falls within the range of reasonableness and
16 appears to be presumptively valid, subject only to any objections that may be raised at the final
17 hearing and final approval by this Court. The Court will make a determination at the Final
18 Approval Hearing of whether the Settlement is fair, adequate and reasonable to the Class.
19

20 2. For purposes of this Order, the Class is defined as follows:

21 All persons who worked for Defendant Kohana Coffee, LLC as non-exempt
22 employees in California at any time during the Class Period. "Class Period" means
23 the time from October 1, 2020 to October 5, 2024.

24 The Class is preliminarily certified for settlement purposes only.

25 3. The Court hereby preliminarily finds that the Settlement was the product of
26 serious, informed, non-collusive negotiations conducted at arm's length by the Parties. In
27 making this preliminary finding, the Court considered the nature of the claims set forth in the
28 pleadings, the amounts and kinds of benefits which shall be paid pursuant to the Settlement, the

1 allocation of Settlement proceeds to the Class, and the fact that the Settlement represents a
2 compromise of the Parties' respective positions. The Court further preliminarily finds that the
3 terms of the Settlement have no obvious deficiencies and do not improperly grant preferential
4 treatment to any individual Class Member. Accordingly, the Court preliminarily finds that the
5 Settlement was entered into in good faith.

6 4. The Court finds that the dates set forth in the Settlement for mailing and
7 distribution of the Class Notice meet the requirements of due process and provide the best notice
8 practicable under the circumstances, and constitute due and sufficient notice to all persons
9 entitled thereto, and directs the mailing of the Class Notice by first class mail to the Class as set
10 forth in the Settlement. Accordingly, the Court orders the following implementation schedule for
11 further proceedings:

12 a. Within twenty one (21) days after the date of this Preliminary Approval
13 Order, Defendant shall provide Phoenix Settlement Administrators, the appointed Settlement
14 Administrator, the Class Data with the following information about each Class Member
15 including the Class Member's name, last-known mailing address, Social Security number, and
16 number of Class Period Workweeks and PAGA Pay Periods.

17 b. Within three (3) business days after the receipt of the Class Data, the
18 Settlement Administrator shall notify Class Counsel that the list has been received and state the
19 number of Class Members, Aggrieved Employees, Workweeks, and Pay Periods in the Class.
20 The duties of the Settlement Administrator are stated in Section 7.8 of the Settlement.

21 c. Within fourteen days after the receipt of the Class Data, the Settlement
22 Administrator shall mail the Class Notice to all Class Members pursuant to the terms of the
23 Settlement, by First Class regular U.S. mail. Prior to mailing, the Settlement Administrator will
24 perform a search based on the National Change of Address Database for information to update
25 and correct any known or identifiable address changes.

26 d. Within sixty (60) days following the mailing of the Class Notice, all
27 requests to be excluded from the Settlement must be returned to the Settlement Administrator
28

1 postmarked by U.S. Mail, as set forth in the Settlement. Those Class Members who receive a re-
2 mailed Class Notice will have an additional 14 days beyond the 60 days otherwise provided in
3 the Class Notice for all Class Members, to submit a Request for Exclusion. The Settlement
4 Administrator shall file a declaration concurrently with the filing of any motion for final
5 approval of the Settlement authenticating a copy of every Request for Exclusion received by the
6 Settlement Administrator.

7 e. Within sixty (60) days following the mailing of the Class Notice, all
8 written objections to the Settlement should be mailed to the Settlement Administrator and should
9 state the basis for the objection. Those Class Members who receive a re-mailed Class Notice will
10 have an additional 14 days beyond the 60 days otherwise provided in the Class Notice for all
11 Class Members, to submit an objection to the Settlement. The Settlement Administrator shall
12 forward a copy of the objection to counsel for the parties. The Settlement Administrator shall file
13 a declaration concurrently with the filing of any motion for final approval of the Settlement
14 authenticating a copy of every Notice of Objection received by the Settlement Administrator.
15 The Court will consider any written or oral objections or comments from Class Members at the
16 time of the Final Approval Hearing, as set forth in the Class Notice. Class Members may appear
17 at the final approval hearing to be heard on their objections, even if they have not previously
18 served a written objection.
19

20 5. The Court approves, as to form and content, the Notice of Class Action
21 Settlement, attached as Exhibit A to this Order. The Court also approves the procedure for
22 members of the Class to object to the Settlement set forth in the Class Notice.

23 6. The Court approves, for settlement purposes only, Maralle Messrelian of MM
24 Law, APC as Class Counsel.

25 7. The Court approves, for settlement purposes only, Plaintiffs Cruz De Leon
26 Serrano and Graciela Rodriguez as the Class Representatives.
27
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1 8. The Court approves Phoenix Settlement Administrators as the Settlement
2 Administrator and orders Phoenix Settlement Administrators to perform the duties described in
3 Paragraph 4 and its subparts.

4 9. A Final Approval Hearing shall be held at _____ a.m./p.m. on _____,
5 2025 in Department 39 of the Superior Court for the State of California, County of Contra Costa,
6 located at 725 Court Street, Martinez, CA 94553, to consider the fairness, adequacy and
7 reasonableness of the proposed Settlement preliminarily approved by this Order, and to consider
8 the application of Class Counsel for an award of reasonable attorneys' fees and costs incurred
9 and the Class Representative Enhancement Payment. All briefs and materials in support of the
10 Motion Final Approval of Class Action Settlement and Attorneys' Fees and Costs shall be filed
11 with this Court sixteen (16) court days prior to the final approval hearing.

12 10. If for any reason the Court does not execute and file an Order of Final Approval
13 and Judgment, or if the Final Effective Date, as defined in the Settlement, does not occur for any
14 reason, the proposed Settlement that is the subject of this Order, and all evidence and
15 proceedings had in connection therewith, shall be without prejudice to the status quo ante rights
16 of the Parties to the litigation, as more specifically set forth in the Settlement.

17 11 The Court expressly reserves the right to adjourn or continue the Fairness Hearing
18 from time to time without further notice to members of the Class. The Settlement Administrator
19 shall give prompt notice of any continuance to Class Members who object to the Settlement.
20

21 **IT IS SO ORDERED.**

22
23 Date: _____, 2025

24 Honorable Edward G. Weil
25 Judge of the Contra Costa Superior Court
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