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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SAN DIEGO**
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13 MICHELLE ACEVES, and GARY
14 MARTINEZ, as individuals, and on behalf of
15 all others similarly situated, and as the State of
16 California's designated proxies under the
17 Private Attorneys General Act ("PAGA") on
18 behalf of the State of California and other
19 aggrieved employees,

20 Plaintiffs,

21 vs.

22 ATLAS RETAIL SERVICES, INC., a Texas
23 corporation; and DOES 1 through 50,

24 Defendants.
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Case No. 37-2024-00018584-CU-OE-CTL

*[Assigned for all purposes to the Hon.
Wendy M. Behan, Dept. C-66]*

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

Date: September 18, 2026
Time: 10:15 a.m.
Dept.: C-66

Action Filed: April 19, 2024
Trial Date: None Set

1 The Motion of Plaintiffs Michelle Aceves and Gary Martinez (“Plaintiffs”) for
2 Preliminary Approval of Class Action and PAGA Settlement came on regularly for hearing before
3 this Court on September 18, 2026 at 10:15 a.m. This Court, having considered the proposed
4 Stipulation of Settlement (the “Settlement”) attached to the Declaration of Sean M. Blakely filed
5 concurrently herein; having considered Plaintiffs’ Motion for Preliminary Approval of Class
6 Action and PAGA Settlement, Memorandum of Points and Authorities in support thereof, and
7 supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE
8 FOLLOWING:

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

16 All current and former non-exempt employees employed by Defendant
17 Atlas Retail Services, Inc. in California from June 20, 2020 through July
18 30, 2025 (the “Class Period”), and all current and former individuals
19 classified as independent contractors who performed work in California
during the Class Period.

20 2. For purposes of the Settlement, the Court designates Plaintiffs as Class
21 Representatives and designates Paul K. Haines and Sean M. Blakely of Haines Law Group, APC
22 and Thomas D. Rutledge of Thomas D. Rutledge Law as Class Counsel.

23 3. The Court designates ILYM Group, Inc. as the third-party Settlement
24 Administrator for mailing notices.

25 4. The Court approves, as to form and content, the Class Notice and Notice of
26 Estimated Individual Settlement Award (collectively, the “Notice Packet”), attached as Exhibits
27 A and B, respectively, to the Settlement.

28 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 Settlement Class, constitute the best notice practicable under the circumstances, and constitute valid, due, and sufficient notice to all of the Settlement Class members. The form and 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 for the Settlement Class members to opt out of or object to the Settlement, as set forth in the Notice Packet.

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

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 Class Notice shall provide at least sixty (60) calendar days' notice for Settlement Class members to opt out of, or object to, the Settlement.

10. The Final Fairness Hearing on the question of whether the Settlement should be finally approved as fair, reasonable, and adequate is scheduled in Department C-66 of this Court, located at 330 West Broadway, San Diego, California 92101 on _____, 2027 at _____.

11. At the Final Fairness 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 Plaintiffs' application for reasonable attorneys' fees, reimbursement of litigation expenses, service awards to each Plaintiff, and settlement administration costs should be granted.

12. 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, Plaintiffs' service awards, and settlement administration costs, prior to the Final

Fairness Hearing according to the time limits set by the Code of Civil Procedure and the California Rules of Court.

13. An implementation schedule is below:

Event	Date
Defendant to provide Class Data to the Settlement Administrator no later than [30 business days after preliminary approval]:	October 30, 2026
Settlement Administrator to mail the Notice Packet to Settlement Class members no later than [10 business days after receiving Class Data]:	November 13, 2026
Deadline for Settlement Class members to request exclusion from, submit a workweek dispute, or object to, the Settlement [60 calendar days after mailing]:	January 12, 2027
Deadline for Plaintiffs to file Motion for Final Approval of Class Action Settlement:	February 19, 2027
Final Fairness Hearing:	_____

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

IT IS SO ORDERED.

Dated: _____, 2026

Hon. Wendy M. Behan
Judge of the Superior Court