

Tyler Woods (SBN 232464)
tyler.woods@wilshirelawfirm.com
Alan A. Wilcox (SBN 287476)
alan.wilcox@wilshirelawfirm.com
Courtney M. Miller (SBN 327850)
courtney.miller@wilshirelawfirm.com
Lucy Nguyen (SBN 338783)
lucy.nguyen@wilshirelawfirm.com
WILSHIRE LAW FIRM, PLC
660 S. Figueroa Street, Sky Lobby
Los Angeles, California 90017
Telephone: (213) 381-9988
Facsimile: (213) 381-9989

Attorneys for Plaintiffs

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF CALAVERAS**

ALLYSON FOOTE, JASON ROSS, and
COURTNEY JONES, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

GOTTA LUV PIZZA, a California corporation;
GOTTA LUV PIZZA INC DBA ROUND
TABLE PIZZA #05, an unknown entity; and
DOES 1 through 10, inclusive,

Defendants.

Case No.: 24CV47525

CLASS & REPRESENTATIVE ACTION

*[Assigned for All Purposes to the Hon. David
M. Sanders, Dept. 2]*

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

PRELIMINARY APPROVAL HEARING

Date: April 3, 2026

Time: 9:00 a.m.

Dept: 2

Complaint filed: July 31, 2024

FAC filed: November 21, 2024

SAC filed: June 3, 2025

Trial date: not set

1 The Court has before it Plaintiffs Allyson Foote, Jason Ross, and Courtney Jones’
2 (“Plaintiffs”) Motion for Preliminary Approval of Class Action Settlement. Having reviewed
3 the Motion for Preliminary Approval of Class Action Settlement, along with the accompanying
4 papers, the Class Action and PAGA Settlement Agreement and Class Notice (which is referred
5 to here as the “Settlement Agreement”), and good cause appearing, the Court hereby finds and
6 orders as follows:

7 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
8 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
9 The Court grants preliminary approval of the Settlement and the Settlement Class based upon
10 the terms set forth in the Settlement Agreement between Plaintiffs and Defendants Gotta Luv
11 Pizza and Gotta Luv Pizza Inc. dba Round Table Pizza #05 (“Defendants,” and together with
12 Plaintiffs, the “Parties”), attached to the Declaration of Tyler J. Woods in Support of Plaintiffs’
13 Motion for Preliminary Approval of Class Action Settlement as **Exhibit 1**.

14 2. The Settlement falls within the range of reasonableness of a settlement which
15 could ultimately be given final approval by this Court, and appears to be presumptively valid,
16 subject only to any objections that may be raised at the Final Approval Hearing and final
17 approval by this Court. The Court notes that Defendants have agreed to create a common fund
18 of \$450,000.00 to cover (a) settlement payments to class members who do not validly opt out;
19 (b) a \$20,000.00 payment to the State of California, Labor & Workforce Development Agency
20 (“LWDA”) for its share of the settlement of claims for penalties under the Private Attorneys
21 General Act (“PAGA”), with 65% of which (\$13,000.00) being paid to the LWDA and 35%
22 (\$7,000.00) being paid to eligible Aggrieved Employees; (c) Class Representative service
23 payments of up to \$10,000.00 for each named Plaintiff (\$30,000.00 total); (d) Class Counsel’s
24 attorneys’ fees, not to exceed 1/3 of the Gross Settlement Amount (\$150,000.00), and up to
25 \$26,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement
26 Administration Costs of up to \$7,500.00.

27 3. The Court preliminarily finds that the terms of the Settlement appear to be within
28 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and

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

11 4. A final fairness hearing on the question of whether the proposed settlement,
12 attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement
13 of claims for penalties under the PAGA, and the class representatives' enhancement awards
14 should be finally approved as fair, reasonable and adequate as to the members of the class is
15 hereby set in accordance with the Implementation Schedule set forth below.

16 5. The Court provisionally certifies for settlement purposes only the following class
17 (the "Settlement Class"): "all current and former hourly non-exempt employees who performed
18 work for Defendants in California during the Class Period."

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

27 7. The Court appoints as Class Representatives, for settlement purposes only,
28 Plaintiffs Allyson Foote, Jason Ross, and Courtney Jones. The Court further preliminarily

approves Plaintiffs' ability to request incentive awards up to \$10,000.00 each (\$30,000.00 total).

8. The Court appoints, for settlement purposes only, Tyler Woods, Alan A. Wilcox, Lucy Nguyen and Courtney M. Miller of Wilshire Law Firm, PLC as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to 1/3 of the Total Settlement Amount (\$150,000.00), and costs not to exceed \$26,000.00.

9. The Court appoints ILYM Group, Inc. as the Settlement Administrator with reasonable administration costs estimated not to exceed \$7,500.00.

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

11. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

12. Any class member who does not timely and validly request exclusion from the settlement may object to the Settlement Agreement.

13. The Court orders the following Implementation Schedule:

Defendants to provide Class List to the Settlement Administrator	Within 14 business days after the Court grants Preliminary Approval of the Settlement
Settlement Administrator to mail the Class Notice	Within 14 days after receipt of the Class List from the Defendants
Response Deadline	60 days after Class Notice is mailed out by the Settlement Administrator
Deadline to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Service Award to Plaintiffs	16 court days before hearing on Motion for Final Approval;

1
2
3 Final Approval Hearing
4
5

_____ at _____ a.m./p.m., or
first available date thereafter, in Courtroom 2.
The hearing may be continued to another date
without further notice to the Class Members.

6 14. The Court further ORDERS that, pending further order of this Court, all proceedings in this
7 lawsuit, except those contemplated herein and in the settlement, are stayed.

8 **IT IS SO ORDERED.**
9
10

11 DATE:

Hon. David M. Sanders
Calaveras County Superior Court
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28