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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA CLARA

COMPLEX CIVIL LITIGATION

FULBIO DAVALOS SINALOA, individually, and on behalf of all others similarly situated,

Plaintiff,

v.

TRI STAR FOODS, LLC, a Delaware limited liability company; and DOES 1 through 10, inclusive,

Defendants.

Case No.: 24CV443913
Related Case No.: 25CV460079

CLASS ACTION

ASSIGNED FOR ALL PURPOSES TO:
Hon. Theodore C. Zayner, Dept. 19

[REVISED ~~PROPOSED~~] ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT

PRELIMINARY APPROVAL HEARING:
Date: September 23, 2026
Time: 1:30 p.m.
Dept.: 19

Complaint filed: July 26, 2024
Trial date: Not Set

[REVISED ~~PROPOSED~~] ORDER

Having reviewed Plaintiff Fulbio Davalos Sinaloa's ("Plaintiff") Motion for Preliminary Approval of Class Action Settlement ("Motion"), the Declaration of John G. Yslas, Plaintiff's Declaration, and the Class Action and PAGA Settlement Agreement and Class Notice ("Settlement Agreement"), and good cause appearing, the Court finds and orders as follows:

1. The Court finds on a preliminary basis that the Settlement Agreement appears to be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval. The Court grants preliminary approval of the Settlement and the Settlement Class based on the terms set forth in the Settlement Agreement between Plaintiff and Defendant Tri Star Foods, LLC ("Defendant"), attached to the Declaration of John G. Yslas in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement as **Exhibit 1**.

2. The Settlement falls within the range of reasonableness of a settlement which could ultimately be given final approval by this Court, and appears to be presumptively valid, subject only to any objections that may be raised at the Final Approval Hearing and final approval by this Court. The Court notes that Defendant has agreed to create a common fund of $290,000.00 to cover (a) settlement payments to Class Members who do not validly opt out; (b) a $14,500.00 allocation toward civil penalties under the Private Attorneys General Act, 65% of which ($9,425.00) will be paid to the State of California, Labor & Workforce Development Agency and 35% of which ($5,075.00) will be paid to eligible Aggrieved Employees; (c) Class Representative service payment of up to $10,000.00 to Plaintiff; (d) Class Counsel's attorneys' fees, not to exceed one-third of the Gross Settlement Amount (i.e., $96,666.66), and up to $25,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to $10,000.00.

3. The Court preliminarily finds that the terms of the Settlement appear to be within the range of possible approval, pursuant to California Code of Civil Procedure § 382 and applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair and reasonable to the Class Members when balanced against the probable outcome of further litigation relating to class certification, liability and damages issues, and potential appeals; (2) significant informal discovery, investigation, research, and litigation have been conducted such that counsel for the Parties at this

time are able to reasonably evaluate their respective positions; (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as the result of intensive, serious, and non-collusive negotiations between the Parties with the assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds that the Settlement Agreement was entered into in good faith.

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

5. The Court provisionally certifies for settlement purposes only the following class (the "Class"): "all persons who worked for Defendant in California as an hourly-paid or nonexempt employee at any time during the Class Period."

6. "Class Period" means the period from July 26, 2020 through October 5, 2025.

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

8. The Court appoints as Class Representative, for settlement purposes only, Plaintiff. The Court further preliminarily approves Plaintiff's ability to request an incentive award up to $10,000.00.

9. The Court appoints, for settlement purposes only, John G. Yslas, William M. Pao,

and Emily Borman of Wilshire Law Firm, PLC, as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees not to exceed one-third of the Gross Settlement Amount (i.e., $96,666.66), and costs not to exceed $25,000.00.

10. The Court appoints Apex Class Action Administration as the Settlement Administrator with reasonable administration costs estimated not to exceed $10,000.00.

11. The Court approves, as to form and content the Class Notice, attached to the Settlement Agreement subject to the modifications required by the Court in its September 23, 2026 ruling. 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.

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

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

14. The Court orders the following Implementation Schedule:

EVENT:	**DEADLINE:**
Defendant to provide Class List to the Settlement Administrator	October 7, 2026 – 14 days after MPA hearing
Settlement Administrator to mail the Notice Packets	October 21, 2026 – 14 days after receipt of Class Data
Class Member Response Deadline	November 20, 2026 – 30 days after mailing Notice to Class
Class Member Deadline to Object	November 20, 2026 – 30 days after mailing Notice to Class

EVENT:	DEADLINE:
Deadline for Administrator to Submit Declaration in Support of Motion for Final Approval	March 8, 2027– 14 days before the last day to file Plaintiff's Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Awards to Plaintiff
Deadline to file Motion for Final Approval, Request for Attorney's Fees and Costs, and Service Awards to Plaintiff	March 22, 2027– 16 court days before the calendared Final Approval Hearing
Final Approval Hearing	April 14, 2027 at 1:30 p.m., Department 19.

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.

Hon. Elizabeth C. Peterson

DATE: 10/1/2026

~~HON. THEODORE C. ZAYNER~~
JUDGE OF THE SUPERIOR COURT