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Superior Court of California,
Inyo County
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF INYO**

PHILLIP POWELL and ANGEL
GONZALEZ, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

R & S BEVERAGE COMPANY LP, a
California limited partnership; and DOES 1
through 50, inclusive,

Defendants.

Case No. 24UC70842

Assigned for All Purposes to:
Hon. Stephen Place
Dept: 1

**ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION AND
PAGA SETTLEMENT AGREEMENT,
APPROVAL OF NOTICE TO CLASS
MEMBERS, APPROVAL OF
SETTLEMENT ADMINISTRATOR,
AND SETTING HEARING FOR FINAL
APPROVAL OF SETTLEMENT**

COMPLAINT FILED: June 7, 2024
FAC FILED: APRIL 10, 2026

1 This matter, having come before the Honorable Stephen Place of the Superior Court of the State
2 of California, in and for the County of Inyo, on June 12, 2026, for the Motion by Plaintiffs Phillip
3 Powell and Angel Gonzalez (“Plaintiffs”) for Preliminary Approval of the Class Action and PAGA
4 Settlement that resolves the claims alleged by Plaintiffs and the Class against Defendant R & S
5 Beverage Company LP (“Defendant”) (collectively referred to herein as the “Parties”). The Court,
6 having considered the briefs, argument of counsel and all matters presented to the Court, and good
7 cause appearing, hereby GRANTS Plaintiffs’ Motion for Preliminary Approval of Class Action and
8 PAGA Settlement.

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

10 1. The Court provisionally certifies the following Class for purposes of settlement: all
11 persons who are or were employed by Defendant as exempt and non-exempt employees who worked
12 in the State of California at any time during the period from June 7, 2024 through the date of preliminary
13 approval (“Class Period”).

14 2. The Court preliminarily appoints Plaintiffs as Class Representatives for purposes of
15 settlement only;

16 3. The Court appoints Christina Lucio, Mitchell Murray, and Nicholas Schieffelin of
17 EmpLaw, LLP, and Roman Otkupman of Oktupman Law Firm as Class Counsel for purposes of
18 settlement;

19 4. The Court preliminarily approves the class action portion of the Settlement as fair,
20 adequate, and reasonable, and approves the PAGA portion of the settlement based upon the terms set
21 forth in the Class Action and PAGA Settlement Agreement (the “Settlement”), including payment by
22 Defendant of the non-reversionary Gross Settlement Amount of \$277,500.00;

23 5. The Court preliminarily approves payment of reasonable attorneys’ fees and costs from
24 the Gross Settlement Amount in an amount of up to 33 1/3% of the Gross Settlement Amount (\$92,500),
25 plus actual litigation costs up to \$16,640.00;

26 6. The Court preliminarily approves the Class Representatives’ Service Payments to
27 Plaintiffs in an amount of up to \$2,500.00 each from the Gross Settlement Amount to compensate them
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1 for the burden, responsibility, time, effort, and risk involved in coming forward on behalf of the Class
2 and for their general releases of claims broader than the Class release;

3 7. The Court approves payment to the LWDA of 75% of the \$15,500.00 allocated to PAGA
4 penalties (\$11,625.00) from the Gross Settlement Amount;

5 8. The Court preliminarily approves Apex Class Action LLC as the Settlement
6 Administrator and further approves distribution of up to \$5,790.00 from the Gross Settlement Amount
7 to cover the Settlement Administrator's expenses in administering this Settlement;

8 9. The Court orders Defendant to direct the distribution to the Class of the Notice of Class
9 Action and PAGA Settlement (the "Class Notice"), including notice of the opportunity to exclude
10 oneself from, or object to, the Settlement (except for its PAGA component); and

11 10. The Final Fairness and Approval Hearing shall be held on _____ at
12 _____, before the Honorable Stephen Place, in Department 1 in the Superior Court of
13 California, Inyo County, in the Independence Courthouse located at 168 North Edwards Street,
14 Independence, CA 93526. At that time, the Court shall determine, following dissemination of Notice
15 to the Class, whether to grant final approval to the Settlement.

16 **IT IS SO ORDERED.**

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18 DATED: _____, 2026

19 HON. STEPHEN PLACE
20 JUDGE OF THE SUPERIOR COURT
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