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9 Attorneys for Plaintiffs SHAUN ROONEY, FRED ZEPEDA, and
10 TERESA AGUILERA on behalf of themselves and similarly situated
11 employees

12 *(Additional Plaintiffs' Counsel listed on following page)*

13
14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
15 **FOR THE COUNTY OF SACRAMENTO**

16 SHAUN ROONEY, FRED ZEPEDA, and
17 TERESA AGUILERA, individually and on
18 behalf of all others similarly situated,

19 Plaintiffs.

20 vs.

21 SAVE MART SUPERMARKETS; THE SAVE
22 MART COMPANIES, INC.; SMART
23 REFRIGERATED TRANSPORT;
24 DOES 1 through 20, inclusive.

25 Defendants.

Case No.: 34-2020-00274973-CU-OE-GDS

CLASS ACTION

26 ~~PROPOSED~~ ORDER GRANTING
27 PRELIMINARY APPROVAL OF CLASS
28 ACTION SETTLEMENT

Date: October 5, 2021

Time: 1:30 PM

Dept.: 53

Judge: Shami Mesiwala

Reservation No.: 2579330

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 The Motion for Preliminary Approval of a Class Action Settlement came before this Court,
3 on October 5, 2021, in Department 53, before the Honorable Shama H. Mesiwala presiding. The
4 Court having considered the papers submitted in support of the application of the parties, HEREBY
5 ORDERS THE FOLLOWING:

6 1. The Court grants preliminary approval of the Settlement and the Settlement Class
7 based upon the terms set forth in the Joint Stipulation of Settlement and Release ("Stipulation of
8 Settlement"). All terms used herein shall have the same meaning as defined in the Stipulation of
9 Settlement. The settlement set forth in the Stipulation of Settlement ("Settlement") appears to be
10 fair, adequate and reasonable to the Class.

11 2. The Settlement falls within the range of reasonableness and appears to be
12 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
13 and final approval by this Court.

14 3. A final fairness hearing on the question of whether the proposed Settlement,
15 attorneys' fees to Class Counsel, and the Class Representative's Enhancement Award should be
16 finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
17 Department 53 on the date and time set forth in the implementation schedule below.

18 4. This Court approves, as to form and content, the Notice of Proposed Class Action
19 Settlement and Fairness Hearing ("Notice") in substantially the form attached to the Stipulation
20 and Settlement of Class Action Claims as **Exhibit A**. The Court approves the procedure for Class
21 Members to participate in, to opt out of, and to object to, the Settlement as set forth in the
22 Stipulation and Settlement of Class Action Claims, and the Notice.

23 5. The Court directs the mailing of the Notice by first class mail to the Class Members
24 in accordance with the Implementation Schedule set forth below. The Court finds the dates
25 selected for the mailing and distribution of the Notice, as set forth in the Implementation Schedule,
26 meet the requirements of due process and provide the best notice practicable under the
27 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.
28

1 6. It is ordered that the Settlement Class is preliminarily certified for settlement
2 purposes only.

3 7. The Court confirms Plaintiffs Shaun Rooney, Fred Zepeda, and Teresa Aguilera as
4 the Class Representatives, and Timothy B. Del Castillo and Kent L. Bradbury of Castle Law;
5 California Employment Counsel, PC; Larry Lee and Max Gavron of Diversity Law Group PC;
6 William L. Marder of Polaris Law Group; and David Yeremian and Roman Shkodnik of David
7 Yeremian & Associates, Inc. as class counsel.

8 8. The Court confirms Phoenix Settlement Administrators as the Settlement
9 Administrator.

10 9. To facilitate administration of the Settlement pending final approval, the Court
11 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or
12 administrative proceedings (including filing claims with the Division of Labor Standards
13 Enforcement of the California Department of Industrial Relations) regarding claims released by
14 the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with
15 the Settlement Administrator.

16 10. The Court orders the following **Implementation Schedule** for further proceedings:
17

	Event	Date
18		
19	a. Deadline for Defendant to Submit Class Member	[30 calendar days after Order
20	Information to Settlement Administrator	granting preliminary Approval]
21		
22	b. Deadline for Settlement Administrator to Mail	[60 calendar days after Order
23	Notice	granting preliminary Approval]
24		
25	c. Deadline for Class Members to Postmark Requests	[30 calendar days after mailing
26	for Exclusion	of the Notice]
27		
28		

	Event	Date
d.	Deadline for Receipt by Court and Settlement Administrator of any Objections to Settlement	[30 calendar days after mailing of the Notice and Claim Form]
e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days before Final Approval Hearing]
f.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	[16 Court days before Final Approval Hearing]
g.	Deadline for Defendant to provide written Notice of Rescission of Settlement to Class Counsel (if applicable)	[14 calendar days after the deadline for class members to postmark requests for Exclusion, provided number and percentage of opt outs are previously provided to Defendant]
h.	Final Fairness Hearing and Final Approval	Date: <u>March 24, 2022</u> Time: <u>1:30 p.m.</u>
j.	Deadline for Settlement Administrator to mail the Settlement Awards, the Enhancement Award, and the Attorneys' Fees and Costs (if Settlement is Effective)	[30 calendar days after Effective Date] (if Settlement is Effective)
k.	Deadline for Settlement Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	[120 calendar days after Effective Date] (if Settlement is Effective)

IT IS SO ORDERED.

Dated: OCT - 6 2021

SHAMA H. MESIWALA
JUDGE OF THE SUPERIOR COURT