



FILED
San Francisco County Superior Court

DEC 29 2021

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
DEPARTMENT 304

ANTONIO MONTEJANO, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

GUL FOOD MANAGEMENT, INC. dba
JACK IN THE BOX, and DOES 1
through 50, inclusive,

Defendants.

Case No.: CGC-19-577248 [Lead Case]
Consolidated with Case No. CGC-19-580532

CLASS ACTION

ORDER GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Plaintiff filed the pending renewed preliminary approval motion on August 19, 2021.
2 Since that date, various supplemental filings have been submitted have been submitted. The
3 Operative Fifth Amended and Restated Stipulation of Class and Representative Action
4 Settlement and Release (“Settlement Agreement”) is attached as Exhibit A to the December 16,
5 2021 Declaration of Kevin Mahoney. The operative Opt Out Form is attached as Exhibit E to
6 the same declaration. The Court most recently held a hearing on the motion on December 17,
7 2021. The final supplemental filing was made on December 20, 2021. The operative proposed
8 Notice is attached as Exhibit A to the December 20, 2021 Declaration of Kevin Mahoney.
9 Having reviewed all papers filed in connection with the renewed motion and the arguments made
10 by counsel, the Court now FINDS and ORDERS as follows:

11 1. The Settlement Agreement preliminarily appears to be within the range of possible
12 final approval, such that notice should be provided to the settlement class.

13 2. Preliminary approval of the Settlement Agreement is granted.

14 3. The following class is conditionally certified for settlement purposes: “All non-
15 exempt employees, currently and formerly employed by Defendant Gul Food Management Inc.
16 dba Jack in the Box, in the State of California during the period of July 1, 2015 through
17 September 10, 2020.”

18 4. For settlement purposes only, the proposed settlement class meets the
19 requirements for certification under Code of Civil Procedure section 382. Specifically, for
20 settlement purposes: (1) the proposed settlement class is numerous and ascertainable; (2) there
21 are predominant questions of law or fact; (3) Plaintiff’s claims are typical of the claims of
22 members of the proposed settlement class; and (4) a class action is superior to other methods to
23 efficiently adjudicate this controversy through settlement.

24 5. For settlement purposes only, Plaintiff Antonio Montejano is appoints as class
25 representative. The Court preliminarily finds that Plaintiff will adequately represent the
26 settlement class for settlement purposes.

27 6. For settlement purposes only, Kevin Mahoney of the Mahoney Law Group, APC
28 is appointed as Class Counsel. The Court preliminarily finds that Class Counsel will represent

1 the interests of the settlement class fairly and adequately for settlement purposes.

2 7. Phoenix Settlement Administrators is appointed as the settlement administrator.

3 8. Subject to the modifications required by the following footnote, the Notice and
4 Opt Out Form attached as Exhibit A to the December 20, 2021 Declaration of Kevin Mahoney
5 and Exhibit E to the December 16, 2021 Declaration of Kevin Mahoney, respectively, are
6 approved as to form and content.¹

7 9. The proposed plan for distributing the Notice set forth in the Settlement
8 Agreement at paragraphs 3.8 through 3.12 meet the requirements of due process and constitute
9 the best notice practicable under the circumstances.

10 10. The provision of website notice is approved. The website will go live on or before
11 the date that the first notice is mailed. The website must include all papers, including Court
12 orders, filed in connection with the present preliminary approval motion, the operative
13 complaints in both actions, the operative Settlement Agreement, a generic copy of the Notice,
14 and all papers filed in connection with the final approval hearing. Class Counsel will file a
15 declaration confirming compliance with this paragraph with the final approval papers.

16 11. The procedures set forth in the Settlement Agreement at paragraphs 3.14-3.16
17 concerning responding to the notice, including by objecting and requesting exclusions, are
18 approved.

19 12. A Final Approval Hearing is set for May 17, 2022 in Department 304 of the
20 Superior Court of California, County of San Francisco, located at 400 McAllister Street, San

21 ¹ The parties shall make the following changes before disseminating the Notice. (1) Section 8,
22 Bullet Four: Remove “, to the California Labor and Workforce Development Agency
23 (“LWDA”),” from the first sentence. Change “will be paid to the LWDA” to “will be paid to the
24 California Labor and Workforce Development Agency (“LWDA”)” in the second sentence. (2)
25 Section 8, Final Paragraph and Section 9, Second Paragraph: Do not write out “three hundred
26 fifty-eight thousand three hundred thirty-three dollars and thirty-three cents” – just provide it in
27 numerical form. (3) Section 12: The citations to the Settlement Agreement for the terms that
28 are pertinent to the scope of the release need to be corrected. (See, e.g., Settlement Agreement ¶
1.34.) (4) The parties shall proofread the notice, including by running word searches for
typographical errors previously identified by the Court and using spell and grammar check
software. In spite of the Court’s continued urging, the word “attonrey” still appears instead of
“attorney”. “receivea” still appears instead of “receive a”. There are numerous errors in
punctuations. The parties should be able to identify and correct each of these errors.

1 Francisco, California 94102. At the Final Approval hearing, the Court will consider whether the
2 Settlement Agreement is fair, whether Class Counsel's application for fees and costs should be
3 approved, whether Plaintiff's request for a service award should be approved, whether the
4 proposed cy pres beneficiary is appropriate, and any other matters the Court deems appropriate.

5 13. The following dates are set:

6 Defendant Shall Provide Class Information 7 to the Settlement Administrator	No Later Than 21 Calendar Days After Entry of this Order
8 Settlement Administrator Shall Distribute 9 Notice	No More than 10 Calendar Days after Receipt of Class Information
10 Submission of Workweek Disputes, 11 Objections, and/or Requests for Exclusion	60 Calendar Days After Notice is Mailed 12 ("Response Deadline"), Subject to an 13 Extension to 14 Calendar Days After 14 Remailing if Notice is Remaild Less than 14 Calendar Days before the Response Deadline
15 Motion for Fees, Costs, and Service Award	Due No More than 45 Calendar Days After 16 Entry of this Order
17 Motion for Final Approval	April 25, 2022
18 Final Approval Hearing	May 17, 2022 at 9:15 a.m.

19 14. The Court may continue the date of the Final Approval Hearing without further
20 notice to class members.

21
22 IT IS SO ORDERED.

23
24 DATED: DEC 29 2021



25 Anne-Christine Massullo
26 Judge Of The Superior Court
27
28

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.251)

I, Ericka Larnauti, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On December 29, 2021, I electronically served the attached document via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: December 29, 2021

T. Michael Yuen, Clerk

By: _____

Ericka Larnauti, Deputy Clerk