



**FILED**  
San Francisco County Superior Court

MAR 18 2022

CLERK OF THE COURT  
BY: [Signature] Deputy Clerk

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
DEPARTMENT 304

ALEXANDRA PELGRIFT, individually, on  
behalf of other members of the general public  
similarly situated, and on behalf of aggrieved  
employees pursuant to the Private Attorneys  
General Act of 2004 ("PAGA");

Plaintiff,

v.

THE 21ST AMENDMENT BREWERY CAFÉ,  
LLC; a California limited liability company; and  
DOES 1 through 100, inclusive;

Defendants.

Case No.: CGC-20-585227

**ORDER GRANTING PLAINTIFF'S MOTION  
FOR PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT, CONDITIONAL  
CERTIFICATION, APPROVAL OF CLASS  
NOTICE, SETTING OF FINAL APPROVAL  
HEARING DATE**

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 The Motion for Preliminary Approval of Class Action Settlement was set for hearing on March  
3 18, 2022, at 11:00 a.m. The Court provided a tentative ruling prior to oral argument. The parties submitted  
4 on the tentative ruling. The Court having considered the papers submitted in support of the Motion,  
5 **HEREBY ORDERS THE FOLLOWING:**

6 1. The following Class is conditionally certified for purposes of settlement only: any and all  
7 persons who have been employed by Defendant The 21st Amendment Brewery Cafe, LLC  
8 (“Defendant”) as non-exempt employees in California at any time from October 7, 2018 through October  
9 15, 2021 (“Class” and “Class Period”).

10 2. The Court grants preliminary approval of the settlement based upon the terms set forth in  
11 the Second Amended Joint Stipulation and Settlement Agreement (“Settlement Agreement,”  
12 “Settlement,” or “Agreement”) attached as Exhibit 7 to the Second Supplemental Declaration of Douglas  
13 Han filed March 4, 2022. Capitalized terms shall have the definitions set forth in the Settlement  
14 Agreement.

15 3. The Settlement appears to be fair, adequate, and reasonable to the Class, subject to any  
16 objections that may be raised at the final approval hearing and final approval by this Court.

17 4. Plaintiff Alexandra Pelgrift (“Plaintiff”) is conditionally approved as the Class  
18 Representative for the Class.

19 5. Douglas Han, Shunt Tatavos-Gharajeh, and Haig Hogdanian of Justice Law Corporation  
20 are conditionally approved as Class Counsel for the Class.

21 6. A Final Approval Hearing on the question of whether the Settlement Agreement, the  
22 Attorney Fee Award, the Cost Award, and the Class Representative Enhancement Payment should be  
23 finally approved as fair, reasonable, and adequate as to all Class Members who do not submit a valid  
24 and timely request to exclude themselves from the Settlement (“Participating Class Members”) is  
25 scheduled on the date and time set forth in Paragraph 13 below.

26 7. The Court confirms Phoenix Class Action Administration Solutions (“Phoenix”) as the  
27 Settlement Administrator.

28 8. The proposed payment of Administration Costs to Phoenix is not to exceed \$11,000 and is

1 conditionally approved.

2 9. The Court also hereby conditionally approves payment from the Maximum Settlement  
3 Amount the Private Attorneys General Act of 2004 ("PAGA") Payment of \$20,000, seventy-five percent  
4 (75%) of which (\$15,000) will be paid to the California Labor and Workforce Development Agency  
5 ("LWDA") and twenty-five percent (25%) of which (\$5,000) shall be distributed to the aggrieved  
6 employees eligible to recover the PAGA Payment that consist of all individuals employed by Defendant  
7 as non-exempt employees in California from April 15, 2019 through October 15, 2021 ("PAGA  
8 Payment," "Eligible Aggrieved Employees," and "PAGA Timeframe") proportionate to the number of  
9 pay periods that they worked during the PAGA Timeframe.

10 10. The Court approves, as to form and content, the revised Notice of Class Action Settlement  
11 ("Class Notice") as attached as Exhibit A to the Settlement Agreement. The Court also approves the  
12 procedure for Class Members to participate in, to opt out of, and to object to the Settlement as set forth  
13 in the Class Notice. The Court approves, as to form and content, the revised Election Not to Participate  
14 In ("Opt Out" From) Class Action Settlement ("Exclusion Form") the Class Members may use to opt  
15 out of the Settlement as attached as Exhibit B to the Settlement Agreement. In addition, the Court  
16 approves, as to form and content, the Notice of Objection Form ("Objection Form") the Class Members  
17 may use to object to the Settlement as attached as Exhibit C to the Settlement Agreement. The Class  
18 Notice, Exclusion Form, and Objection Form are collectively known as the Notice Packet.

19 11. The Court directs the distribution of the Notice Packet to Class Members via first-class  
20 U.S. Mail and email in accordance with the implementation schedule set forth in paragraph 13 below.  
21 The Court finds the dates selected for the distribution of the Notice Packet, as set forth in the  
22 Implementation Schedule, meet the requirements of due process and provide the best notice practicable  
23 under the circumstances and shall constitute due and sufficient notice to all persons entitled.

24 12. Pursuant to Labor Code section 2699, subdivision (1)(3), Plaintiff shall submit a copy of  
25 this Order to the LWDA within ten (10) days after entry of order.

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13. The Court orders the following Implementation Schedule for further proceedings:

a.	Deadline for Defendant to submit Class List to Settlement Administrator	Within twenty-one (21) calendar days after entry of the Preliminary Approval Order.
b.	Deadline for Settlement Administrator to mail and email the Notice Packet to Class Members	Within fourteen (14) calendar days after the receipt of the Class List from Defendant.
c.	Deadline for Class Members to request exclusion from Settlement or postmark objections to Settlement to the Settlement Administrator	Within sixty (60) calendar days from the initial mailing of the Notice Packet.
e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement	July 13, 2022
f.	Deadline for Class Counsel to file Motion for Attorney Fee Award, Cost Award, and Class Representative Enhancement Payment	July 13, 2022
g.	Final Approval Hearing	August 4, 2022 at 9:00 a.m. in Department 304.

**IT IS SO ORDERED.**

Dated: March 18, 2022

*Ethan P. Schulman*

Honorable Ethan P. Schulman  
Judge of the Superior Court

**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 March 18, 2022, I electronically served the attached document via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: March 18, 2022

T. Michael Yuen, Clerk

By: \_\_\_\_\_

Ericka Larnauti, Deputy Clerk