

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

Justin F. Marquez, Esq. (SBN 262417)
justin@wilshirelawfirm.com
Benjamin H. Haber, Esq. (SBN 315664)
benjamin@wilshirelawfirm.com
WILSHIRE LAW FIRM
3055 Wilshire Blvd., 12th Floor
Los Angeles, California 90010
Telephone (213) 381-9988
Facsimile: (213) 381-9989

Attorneys for Plaintiff

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS**

LETICIA RODRIGUEZ, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

MODESTO RESTAURANT GROUP, LLC, a
California limited liability corporation; and DOES
1 through 10, inclusive,

Defendants.

Case No. CV-21-000269

CLASS ACTION

*[Assigned for all purposes to the Honorable
Sonny S. Sandhu, Dept. 24]*

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed with Memorandum of Points and
Authorities the Declaration of Justin F.
Marquez, and Proposed Order]*

PRELIMINARY APPROVAL HEARING

Date: July 22, 2022
Time: 8:30 a.m.
Dept: 24

FILED

2022 JUL 25 AM 8:13

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS



1 The Court has before it Plaintiff Leticia Rodriguez's ("Plaintiff") Motion for
2 Preliminary Approval of Class Action Settlement. Having reviewed the Motion for
3 Preliminary Approval of Class Action Settlement, the Declaration of Justin F. Marquez, the
4 Stipulation for Class Action, the Supplemental Declaration of Justin F. Marquez, the
5 Amendment to Settlement (which, together with the Stipulation for Class Action, is referred to
6 here as the "Settlement Agreement"), and good cause appearing, the Court hereby finds and
7 orders as follows:

8 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
9 be fair, adequate, and reasonable and therefore meets the requirements for preliminary
10 approval. The Court grants preliminary approval of the Settlement and the Settlement Class
11 based upon the terms set forth in the Settlement Agreement between Plaintiff Leticia
12 Rodriguez and Defendant Modesto Restaurant Group, LLC ("Defendant"), attached to the
13 Supplemental Declaration of Justin F. Marquez in Support of Plaintiff's Motion for
14 Preliminary Approval of Class Action Settlement as Exhibits 5 and 6.

15 2. The Settlement falls within the range of reasonableness of a settlement which
16 could ultimately be given final approval by this Court, and appears to be presumptively valid,
17 subject only to any objections that may be raised at the Final Approval Hearing and final
18 approval by this Court. The Court notes that Defendant has agreed to create a common fund
19 of \$600,000 to cover (a) settlement payments to class members who do not validly opt out; (b)
20 a \$25,000 payment to the State of California, Labor & Workforce Development Agency for its
21 share of the settlement of claims for penalties under the Private Attorneys General Act, with
22 75% of which (\$18,750) will be paid to the LWDA and 25% (\$6,250) will be paid to eligible
23 members of the PAGA Class; (c) Class Representative service payment of up to \$8,000 for
24 Plaintiff Leticia Rodriguez; (d) Class Counsel's attorneys' fees, not to exceed 33-1/3% of the
25 Gross Settlement Amount (\$200,000), and up to \$25,000.00 in costs for actual litigation
26 expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to
27 \$15,000.

28 3. The Court preliminarily finds that the terms of the Settlement appear to be

1 within the range of possible approval, pursuant to California Code of Civil Procedure § 382
2 and applicable law. The Court finds on a preliminary basis that: (1) the settlement amount is
3 fair and reasonable to the class members when balanced against the probable outcome of
4 further litigation relating to class certification, liability and damages issues, and potential
5 appeals; (2) significant informal discovery, investigation, research, and litigation have been
6 conducted such that counsel for the parties at this time are able to reasonably evaluate their
7 respective positions; (3) settlement at this time will avoid substantial costs, delay, and risks
8 that would be presented by the further prosecution of the litigation; and (4) the proposed
9 settlement has been reached as the result of intensive, serious, and non-collusive negotiations
10 between the Parties with the assistance of a well-respected class action mediator. Accordingly,
11 the Court preliminarily finds that the Settlement Agreement was entered into in good faith.

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

18 5. The Court provisionally certifies for settlement purposes only the following
19 class (the "Settlement Class"): "All persons who worked for Defendant in California as an
20 hourly-paid or non-exempt employee during the Settlement Period of January 21, 2017
21 through the date the Court grants preliminary approval of the settlement or April 1, 2022,
22 whichever is earlier."

23 6. The Court finds, for settlement purposes only, that the Settlement Class meets
24 the requirements for certification under California Code of Civil Procedure § 382 in that: (1)
25 the Settlement Class Members are so numerous that joinder is impractical; (2) there are
26 questions of law and fact that are common, or of general interest, to all Settlement Class
27 Members, which predominate over individual issues; (3) Plaintiff's claims are typical of the
28 claims of the Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and

1 adequately protect the interests of the Settlement Class Members; and (5) a class action is
2 superior to other available methods for the fair and efficient adjudication of the controversy.

3 7. The Court appoints as Class Representative, for settlement purposes only,
4 Plaintiff Leticia Rodriguez. The Court further preliminarily approves Plaintiff's ability to
5 request an incentive award up to \$8,000.

6 8. The Court appoints, for settlement purposes only, Wilshire Law Firm, PLC as
7 Class Counsel. The Court further preliminarily approves Class Counsel's ability to request
8 attorneys' fees of up to one-third of the Total Settlement Amount (\$200,000), and costs not to
9 exceed \$25,000.00.

10 9. The Court appoints Phoenix Class Action Administration Solutions as the
11 Settlement Administrator with reasonable administration costs estimated not to exceed
12 \$15,000.

13 10. The Court approves, as to form and content: (1) the Class Notice, attached as
14 Exhibit A to the Settlement Agreement; and (2) the Workweek Dispute Form, attached as
15 Exhibit B to the Settlement Agreement (collectively, "Notice Packets"). The Court finds on a
16 preliminary basis that plan for distribution of the Notice Packets to Settlement Class Members
17 satisfies due process, provides the best notice practicable under the circumstances, and shall
18 constitute due and sufficient notice to all persons entitled thereto.

19 11. The parties are ordered to carry out the Settlement according to the terms of the
20 Settlement Agreement.

21 12. Any class member who does not timely and validly request exclusion from the
22 settlement may object to the Settlement Agreement.

23 13. The Court orders the following Implementation Schedule:

24 Defendant to provide Class List to the 25 Settlement Administrator	August 22, 2022
26 Settlement Administrator to mail the Notice 27 Packets	September 1, 2022

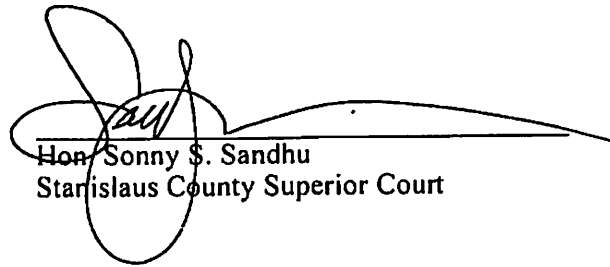
1	Response Deadline	October 17, 2022
2	Deadline to Respond to Objections	October 17, 2022
3		
4	Deadline for Administrator to Submit Report	October 31, 2022
5	Deadline to file Motion for Final Approval,	
6	Request for Attorney's Fees and Costs, and	November 7, 2022
7	Service Award to Plaintiff	
8	Final Approval Hearing	December 6, 2022

9 14. The Court further ORDERS that, pending further order of this Court, all
10 proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

11 **IT IS SO ORDERED.**

12
13
14 DATE: 7/22/2022

15
16
17
18
19
20
21
22
23
24
25
26
27
28



Hon. Sonny S. Sandhu
Stanislaus County Superior Court

PROOF OF SERVICE

Rodriguez v. Modesto Restaurant Group, LLC, et al.
CV-21-000269

1
2
3 STATE OF CALIFORNIA)
4 COUNTY OF LOS ANGELES) ss
5

6 I, Min Jee Kim, state that I am employed in the aforesaid County, State of California; I
7 am over the age of eighteen years and not a party to the within action; my business address is
8 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address
9 is minjee@wilshirelawfirm.com.

10 On July 12, 2022, I served the foregoing **[PROPOSED] ORDER GRANTING**
11 **PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION**
12 **SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed
13 envelope by following one of the methods of service as follows:

14 Jacqueline Beaumont, Bar No. 253776
15 jbeaumont@calljensen.com
16 L. Lisa Sandoval, Bar No. 310380
17 lsandoval@calljensen.com
18 **CALL & JENSEN**
19 A Professional Corporation
20 610 Newport Center Drive, Suite 700
21 Newport Beach, CA 92660
22 Telephone: (949) 717-3000
23 Fax: (949) 717- 3100

24 *Attorneys for Defendant, Modesto Restaurant Group, LLC*

25 (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the
26 State of California Labor and Workforce Development Agency Online Filing Site.

27 (X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles,
28 California, by e-mail delivery on the parties listed herein at their most recent known email
address or e-mail of record in this action.

I declare under the penalty of perjury under the laws of the State of California, that the
foregoing is true and correct.

Executed on July 12, 2022 at Los Angeles, California.



Min Jee Kim

CV 213108

STANISLAUS COUNTY SUPERIOR COURT

CIVIL DIVISION

CITY TOWERS, 4TH FLOOR

801 10TH STREET

MODESTO, CA 95354

RETURN SERVICE REQUESTED



ZIP 95354 \$001.44⁰
02 4W
0000386490 JUL 26 2022

RECEIVED
JUL 28 2022

BY: *Handwritten signature*

9001081176 0034

