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Attorneys for Plaintiff

**FILED**  
Superior Court of California  
County of Los Angeles  
**09/29/2022**

Sherri R. Carter, Executive Officer / Clerk of Court  
By:           M. Mata           Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES**

MARIA DEL CONSUELO MARTINEZ, as an individual and on behalf of all others similarly situated,

Plaintiff,

vs.

K&S FOODS MANAGEMENT, INC., a California corporation; and DOES 1 through 100,

Defendants.

Case No. 19STCV26488

*[Assigned for all purposes to Hon. Carolyn B. Kuhl, Dept. SSC-12]*

**[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Date: September 29, 2022  
Time: 11:30 a.m.  
Dept.: SSC-12

Complaint Filed: July 30, 2019  
Trial Date: None

1 The Motion of Maria Del Consuelo Martinez (“Plaintiff”) for Preliminary Approval of  
2 Class Action Settlement (the “Motion”) came on regularly for hearing before this Court on  
3 September 29, 2022, at 11:30 a.m. The Court, having considered the proposed Stipulation of  
4 Settlement (the “Settlement”), attached as Exhibit 1 to the Declaration of Paul K. Haines filed  
5 concurrently with the Motion; having considered the Motion, Memorandum of Points and  
6 Authorities in support thereof, and supporting declarations filed therewith, and any argument  
7 presented at the hearing on the Motion; and good cause appearing, HEREBY ORDERS THE  
8 FOLLOWING:

9 1. The Court GRANTS preliminary approval of the class action settlement between  
10 Plaintiff and Defendant K&S Foods Management, Inc. (“Defendant”) as set forth in the  
11 Settlement and finds its terms to be within the range of reasonableness of a settlement that  
12 ultimately could be granted final approval by the Court at a Final Approval Hearing. For purposes  
13 of the Settlement only, the Court finds that the proposed Settlement Class is ascertainable and  
14 that there is a sufficiently well-defined community of interest among the members of the  
15 Settlement Class in questions of law and fact. Therefore, for settlement purposes only, the Court  
16 grants conditional certification of the following Settlement Class:

17 All current and former non-exempt employees who performed work  
18 for Defendant K&S Foods Management, Inc. in California from July  
19 30, 2015 to December 7, 2021 (the “Class Period”).

20 2. For purposes of the Settlement, the Court designates Plaintiff as the Class  
21 Representative, and designates Paul K. Haines and Alexandra R. McIntosh of Haines Law Group,  
22 APC as Class Counsel.

23 3. The Court designates Phoenix Settlement Administrators as the third-party  
24 Settlement Administrator for mailing notices.

25 4. The Court approves, as to form and content, the Notice of Class Action Settlement  
26 (“Notice”), and the Notice of Estimated Settlement Award, attached as Exhibits A and B,  
27 respectively, to the Settlement (collectively, the “Notice Packet”).

28 5. The Court finds that the proposed form of notice to the Settlement Class members

1 regarding the pendency of this litigation and of the Settlement, and the methods of giving notice  
2 to Settlement Class members, constitute the best notice practicable under the circumstances, and  
3 constitute valid, due, and sufficient notice to all Settlement Class members. The proposed form  
4 and method of giving notice complies fully with the requirements of California Code of Civil  
5 Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and  
6 3.769, the California and United States Constitutions, and other applicable law.

7 6. The Court further approves the procedures for Settlement Class members to opt  
8 out of or object to the Settlement, as set forth in the Notice.

9 7. The procedures and requirements for filing objections in connection with the Final  
10 Approval Hearing are intended to ensure the efficient administration of justice and the orderly  
11 presentation of any Settlement Class member's objection to the Settlement, in accordance with  
12 the due process rights of all Settlement Class members.

13 8. The Court directs the Settlement Administrator to mail the Notice Packet to the  
14 Settlement Class members in accordance with the terms of the Settlement.

15 9. The Notice shall provide at least 60 calendar days' notice for Settlement Class  
16 members to opt out of, or object to, the Settlement.

17 10. The Final Approval Hearing on the question of whether the Settlement should be  
18 finally approved is scheduled in Department SSC-12 of this Court, located at 312 North Spring  
19 Street, Los Angeles, CA 90012 on Tue, 2023 at 10:00 a.m. / ~~p.m.~~

20 11. At the Final Approval Hearing, the Court will consider: (a) whether the Settlement  
21 should be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether  
22 a judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiff's  
23 application for reasonable attorneys' fees, reimbursement of litigation expenses, enhancement  
24 payment to Plaintiff, and settlement administration costs should be granted.

25 12. Counsel for the parties shall file memoranda, declarations, or other statements and  
26 materials in support of their request for final approval of the Settlement, attorneys' fees, litigation  
27 expenses, Plaintiff's enhancement payment, and settlement administration costs prior to the Final  
28 Approval Hearing according to the time limits set by the Code of Civil Procedure and the

1 California Rules of Court.

2 13. An implementation schedule is below:

| Event  | Date  |
|--|---|
| Defendant to provide Class Data to Settlement Administrator no later than [15 business days after preliminary approval]:                                   | October 20, 2022                                |
| Settlement Administrator to mail Notice Packets to Settlement Class members no later than [10 business days after receiving Class Data]:                   | November 3, 2022                                |
| Deadline for Settlement Class members to mail opt outs, objections, or disputes to the Settlement Administrator [60 days after mailing of Notice Packets]: | January 2, 2023                                 |
| Deadline for Plaintiff to file Motion for Final Approval of Class Action Settlement:   | January 30, 2023                                |
| Final Approval Hearing   | <del>T &amp; @ F A</del><br>_____, 2023<br>FCHC |

13 14. Pending the Final Approval Hearing, all proceedings in this litigation, other than  
14 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this  
15 Order, are stayed.

16 15. Counsel for the parties are hereby authorized to utilize all reasonable procedures  
17 in connection with the administration of the Settlement which are not materially inconsistent with  
18 either this Order or the terms of the Settlement.

19 **IT IS SO ORDERED.**

20 Dated: 09/29/2022, 2022



*Carolyn B. Kuhl*

Carolyn B. Kuhl / Judge

Honorable Carolyn B. Kuhl  
Judge of the Superior Court