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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JAN - 4 2023

BY Jessica Garcez
JESSICA GARCEZ, DEPUTY

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF SAN BERNARDINO**

11 SHANIECE MAYNOR, ALEJANDRO
12 CABALLERO, ALEX CABALLERO,
13 NOURA MAJOR, AMIA DILWORTH,
14 DELMAR SCHMIDTBERGER,
15 ELIZABETH HALL, RIAZ AHMED, on
16 behalf of themselves, and all others similarly
17 situated, and as "aggrieved employees" on
18 behalf of themselves and other "aggrieved
19 employees" under the Labor Code Private
20 Attorneys General Act of 2004,

21 *Plaintiff(s),*

22 vs.

23 WESTERN REFINING RETAIL, LLC, a
24 Delaware limited liability company; and
25 DOES 1 through 50, inclusive,

26 *Defendant(s)..*

Case No. CIV SB 2209052

[Assigned for all Purposes to Hon. David
Cohn, Dept. S-26]

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION AND MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

Action Filed: May 2, 2022
Trial Date: None set

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1 Plaintiffs Shaniece Maynor, Alejandro Caballero, Alex Caballero, Noura Major, Amia
2 Dilworth, Delmar Schmidtberger, Elizabeth Hall, and Riaz Ahmed's ("Plaintiffs") Motion for
3 Preliminary Approval of Class Action Settlement came on regularly for hearing on January 4,
4 2023, the Honorable David Cohn presiding. Having reviewed Plaintiffs' motion and all papers
5 submitted in support thereof, the declarations of Launa Adolph, David G. Spivak, Walter Haines,
6 Fawn F. Bekam, Todd M. Friedman, Shaniece Maynor, Alejandro Caballero, Alex Caballero,
7 Noura Major, Amia Dilworth, Delmar Schmidtberger, Elizabeth Hall, and Riaz Ahmed, and all
8 exhibits thereto, including the Joint Stipulation of Class and Representative Action Settlement
9 and Release ("Agreement"), and good cause appearing therefor, the Court hereby finds and orders
10 as follows:

11 1. The Court finds on a preliminary basis that the Settlement memorialized in the
12 Agreement appears to be fair, adequate, and reasonable, falls within the range of reasonableness,
13 and therefore meets the requirements for preliminary approval.

14 2. The Court provisionally certifies for settlement purposes only the following class:
15 all persons who worked for Western Refining Retail, LLC in California in a non-exempt, hourly
16 position during the time period from July 27, 2017 through February 6, 2022, excluding all
17 persons who previously settled all claims otherwise covered under the Agreement.

18 3. The Court finds, for purposes of settlement only, that the class meets the
19 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the class
20 is so numerous that joinder of all members is impractical; (2) there are questions of law and fact
21 that are common to the Settlement Class Members which predominate over individualized issues;
22 (3) Plaintiffs' claims are typical of the claims of the Settlement Class Members; (4) Plaintiffs and
23 their counsel will fairly and adequately protect the interests of the Settlement Class Members; and
24 (5) a class action is superior to other available methods for the fair and efficient adjudication of
25 the controversy.

26 4. If, for any reason, the Settlement is not finally approved, the fact that the parties
27 were willing to stipulate to certification of a class as part of the Agreement shall have no bearing
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1 on, and shall not be admissible in connection with, any Action or the issue of whether a class
2 should be certified in a non-settlement context.

3 5. The Court appoints, for settlement purposes only, plaintiffs Shaniece Maynor,
4 Alejandro Caballero, Alex Caballero, Noura Major, Amia Dilworth, Delmar Schmidtberger,
5 Elizabeth Hall, and Riaz Ahmed as class representatives.

6 6. The Court appoints, for settlement purposes only, Matthew J. Matern and Launa
7 Adolph of Matern Law Group, PC, David G. Spivak and Caroline Tahmassian of The Spivak
8 Law Firm, Walter Haines of United Employees Law Group, Samuel A. Wong, Kashif Haque,
9 Jessica L. Campbell and Fawn F. Bekam of Aegis Law Firm, PC, and Todd M. Friedman, Adrian
10 R. Bacon, Meghan E. George and Thomas E. Wheeler of Law Offices of Todd M. Friedman, P.C.
11 as Class Counsel.

12 7. The Court appoints Phoenix Class Action Administration Solutions as the
13 Settlement Administrator.

14 8. The Court approves as to form and content the Notice of Pendency of Class Action
15 Settlement (“Notice”) and the plan for distribution of the Notice to the Settlement Class
16 Members. The Court finds that the notice plan as set forth in the Agreement is the best means
17 practicable under the circumstances for providing notice to the Settlement Class Members, and
18 when completed, shall constitute due and sufficient notice of the class action, the proposed
19 Settlement, and the final approval hearing to all persons entitled to such notice, in full compliance
20 with due process and the notice requirements of California Code of Civil Procedure § 877.6.

21 9. The Parties are ordered to carry out the Settlement according to the terms of the
22 Agreement.

23 10. The Court sets the following implementation schedule:

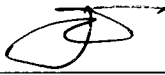
24 Deadline for Defendant to provide the Class 25 Data to Settlement Administrator	21 days after entry of Preliminary Approval Order
26 Deadline for Settlement Administrator to 27 mail Notices to Settlement Class Members	10 days after receiving the Class Data from Defendant

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Deadline for Settlement Class Members to object to Settlement or request exclusion (“Notice Response Deadline”)	45 days after Notice is mailed by the Settlement Administrator to Settlement Class Members
Deadline for Plaintiffs to file Motion for Final Approval of Class Action Settlement and respond to any Objections	<u>3/24/2023</u> (no later than 16 court days before the Final Approval Hearing)
Final Approval hearing	<u>4/17/2023</u> , at <u>1:30pm</u> Dept. 517 8:30 (at least 100 days from when Plaintiffs filed motion for preliminary approval)

IT IS SO ORDERED.

DATED: 1/4/23, 2023



HON. DAVID COHN
JUDGE OF THE SUPERIOR COURT
JOSEPH T. URIL