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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF SAN BERNARDINO

11 JEHU JIMENEZ, individually, and on behalf of
12 other members of the general public similarly
13 situated, and as an aggrieved employee pursuant
14 to the Private Attorneys General Act ("PAGA"),
on behalf of the State of California and other
aggrieved employees,

15 Plaintiff,

16 vs.

17 APPLE CORE ENTERPRISES, INC., a North
18 Dakota corporation; APPLEVALLEY, INC., a
19 North Dakota corporation; APPLE BMONT,
20 INC., a North Dakota corporation;
APPLECENTRO, INC., a North Dakota
21 corporation; APPLE CITY, INC., a North
22 Dakota corporation; APPLE PALM, INC., a
23 North Dakota corporation; APPLE QUINTA,
24 INC., a North Dakota corporation;
25 APPEXICO, INC., a North Dakota
26 corporation; and DOES 1 through 10, inclusive,
27
28

Defendants.

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

JUN 16 2023

BY Jessica Garcez
JESSICA GARCEZ, DEPUTY

Case No.: CIVSB2134762

Assigned to the Hon. Joseph T. Ortiz

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

Date: June 15, 2023

Time: 1:30 p.m.

Place: Department S17

Complained Filed: December 21, 2021

1 **ORDER**

2 On June 15, 2023, this Court conducted a hearing on Plaintiff's Motion for Preliminary
3 Approval of the Class Action Settlement (the "Motion"). Having considered the Motion and the points
4 and authorities submitted in support of the Motion, including the Joint Stipulation of Class Action and
5 PAGA Settlement and Release ("Settlement Agreement" or "Settlement"), and **GOOD CAUSE**
6 appearing, **IT IS HEREBY ORDERED** that the Motion is **GRANTED**, subject to the following
7 findings and orders:

8 1. This Order incorporates by reference the Settlement Agreement, and unless indicated
9 otherwise, all capitalized terms used herein will have the same meaning as set forth in the Settlement
10 Agreement.

11 2. The Settlement Class shall be conditionally certified for settlement purposes only and
12 shall consist of all persons who worked for Defendants in California as non-exempt, hourly paid
13 employee at any time during the period from December 12, 2017 through May 1, 2023.

14 3. The class action settlement set forth in the Settlement Agreement, entered into among
15 the Parties and their counsel, is preliminarily approved as it appears to be proper, to fall within the range
16 of reasonableness, to be the product of arm's-length and informed negotiations, to treat all Class
17 Members fairly, and to be presumptively valid, subject only to any objections that may be raised at or
18 before the final approval hearing.

19 4. The Court further finds that Plaintiff conducted extensive investigation and research, and
20 that he was able to reasonably evaluate his position and the strengths and weaknesses of his claims and
21 his ability to certify them. Plaintiff has provided the Court with enough information about the nature and
22 magnitude of the claims being settled, as well as the impediments to recovery, to make an independent
23 assessment of the reasonableness of the terms to which the Parties have agreed.

24 5. The Court also finds that settlement now will avoid additional and potentially substantial
25 litigation costs, as well as delay and risks if the Parties were to continue to litigate the Action.

26 6. The Court preliminarily approves the Settlement Agreement, including all the terms and
27 conditions set forth therein and the Gross Settlement Amount and allocation of payments.

28 7. The rights of any potential dissenters to the proposed Settlement are adequately

1 protected in that they may exclude themselves from the Settlement and proceed with any alleged claims
2 they may have against Defendants, or they may object to the Settlement and appear before this Court.
3 However, to do so they must follow the procedures outlined in the Settlement Agreement and Notice of
4 Class Action Settlement.

5 8. The Court approves, as to form and content, the proposed Notice of Class Action
6 Settlement (“Class Notice”).

7 9. The Court directs the mailing, by First-Class U.S. mail, of the Class Notices to Class
8 Members in accordance with the schedule set forth below and the other procedures described in the
9 Settlement Agreement. The Court finds that the method selected for communicating the preliminary
10 approval of the Settlement Agreement to Class Members is the best notice practicable under the
11 circumstances, constitutes due and sufficient notice to all persons entitled to notice, and thereby satisfies
12 due process.

13 10. The Court appoints Plaintiff Jehu Jimenez as the representative for the Settlement Class
14 conditionally certified by this Order.

15 11. The Court appoints Capstone Law APC as Class Counsel. The Court finds that counsel
16 have demonstrable experience litigating, certifying, and settling class actions, and will serve as adequate
17 counsel for the Class conditionally certified by this Order.

18 12. The Court approves and appoints CPT Group, Inc. as the Settlement Administrator.

19 13. The following dates shall govern for purposes of this Settlement:


Date	Event
July 17, 2023 (or not later than 30 calendar days after the Court grants preliminary approval of the Settlement Agreement, if later)	Last day for Defendants to produce the Class List to the Settlement Administrator.
July 31, 2023 (or not later than 14 calendar days after Defendants produce the Class List, if later)	Last day for the Settlement Administrator to mail Class Notices to all Class Members.
September 14, 2023 (or not later than 45 calendar days after the Settlement Administrator mails the Class Notices, if later)	Last day for Class Members to submit Requests for Exclusion or Objections to the Settlement.
October 6, 2023	Last day for Plaintiff to file the Motion for Final Approval of Class Action Settlement and Motion for Attorneys’ Fees, Costs, and a Class Representative Enhancement Payment.

Date	Event
November 2, 2023 at 1:30 p.m.	Hearing on Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees, Costs, and a Class Representative Enhancement Payment.

14. The Court expressly reserves the right to continue or adjourn the final approval hearing without further notice to the Class Members.

IT IS SO ORDERED.

Dated: 6/16/23



Hon. Joseph T. Ortiz
San Bernardino County Superior Court Judge

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