

1 **MELMED LAW GROUP P.C.**  
2 Jonathan Melmed (SBN 290218)  
3 [jm@melmedlaw.com](mailto:jm@melmedlaw.com)  
4 1180 South Beverly Drive, Suite 610  
5 Los Angeles, California 90035  
6 Telephone: (310) 824-3828  
7 Facsimile: (310) 862-6851

**ELECTRONICALLY FILED BY**  
**Superior Court of California,**  
**County of Monterey**  
**On 4/02/2018**  
**By Deputy: Cummings, Lorielle**

6 **LAW OFFICE OF BRIAN MATHIAS**  
7 Brian C. Mathias (SBN 282494)  
8 [brian@brianmathiaslaw.com](mailto:brian@brianmathiaslaw.com)  
9 P.O. Box 2874  
10 Aptos, California 95001  
11 Telephone: (831) 531-7141

12 Attorneys for Plaintiff Sergio Flores and the Putative Class

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF MONTEREY**

15 Sergio Flores, individually and on behalf of  
16 all others similarly situated,

17 Plaintiff,

18 v.

19 Aqua Terra Culinary, Inc. dba Samson Café,  
20 Point Pinos Grill, a California Corporation; a  
21 Dory Ford, an individual,

22 Defendants.

Case No. 17CV002672

CLASS ACTION

**AMENDED ~~PROPOSED~~ ORDER**  
**GRANTING PRELIMINARY**  
**APPROVAL OF CLASS ACTION**  
**SETTLEMENT**

Date: February 21, 2018

Time: 2:00 p.m.

Dept.: 1 (Salinas Courthouse)

Judge: Hon. Lydia Villarreal (Complex)

Complaint Filed: July 27, 2017

Trial Date: None Set

23  
24 **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

25 The Motion for Preliminary Approval of a Class Action Settlement came before this  
26 Court, as soon as the matter may be heard, the Honorable Lydia Villarreal presiding. The Court  
27 having considered the papers submitted in support of the application of the parties, HEREBY  
28 **ORDERS THE FOLLOWING:**

1           1.       The Court grants preliminary approval of the Settlement and the Settlement Class  
2 based upon the terms set forth in the Joint Stipulation of Settlement and Release of Class Action  
3 (“Settlement Agreement”) filed herewith. All terms used herein shall have the same meaning as  
4 defined in the Settlement Agreement. The settlement set forth in the Joint Stipulation of  
5 Settlement and Release of Class Action (“Settlement Agreement”) appears to be fair, adequate  
6 and reasonable to the Class, with the exception that approval of the attorneys’ fee award for  
7 Class Counsel and the Enhancement Award for the Class Representative is reserved for the Final  
8 Approval Hearing, scheduled for July 18, 2018 at 2:00 pm at in Department 1.

9           2.       With the exception of any attorneys’ fee award and Enhancement Awards which  
10 will be reserved for the Final Approval Hearing, the Settlement falls within the range of  
11 reasonableness and appears to be presumptively valid, subject only to any objections that may  
12 be raised at the final fairness hearing and final approval by this Court.

13           3.       A final fairness hearing on the question of whether the proposed Settlement,  
14 attorneys’ fees and costs to Class Counsel, and the Class Representative’s Enhancement Award  
15 should be finally approved as fair, reasonable and adequate as to the members of the Class is  
16 scheduled in Department 1 on the date and time set forth in the implementation schedule in  
17 Paragraph 10 below.

18           4.       This Court approves, as to form and content, the Notice of Proposed Class Action  
19 Settlement and Hearing Date for Court Approval (“Class Notice”), in substantially in the form  
20 attached to the Settlement Agreement as **Exhibit 1**, and the Share Form (“Share Form”)  
21 substantially in the form attached thereto as **Exhibit 2**. The Court approves the procedure for  
22 Class Members to submit, participate in, to opt out of, and to object to, the Settlement as set forth  
23 in the Settlement Agreement.

24           5.       The Court directs the mailing of the Class Notice, and the Share Form by first  
25 class United States mail to the Class Members in accordance with the Implementation Schedule  
26 set forth below. The Court finds the dates selected for the mailing and distribution of the Class  
27 Notice and the Share Form, as set forth in the Implementation Schedule, meet the requirements  
28 of due process and provide the best notice practicable under the circumstances and shall

1 constitute due and sufficient notice to all persons entitled thereto.

2 6. It is ordered that the Class is preliminarily certified for settlement purposes only.

3 7. The Court confirms Plaintiff Sergio Flores as Class Representative, and Jonathan  
4 Melmed of Melmed Law Group P.C and Brian C. Mathias of The Law Office of Brian Mathias  
5 as Class Counsel.

6 8. The Court confirms CPT Group, Inc. as the Settlement Administrator.

7 9. To facilitate administration of the Settlement pending final approval, the Court  
8 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or  
9 administrative proceedings (including filing claims with the Division of Labor Standards  
10 Enforcement of the California Department of Industrial Relations) regarding claims released by  
11 the Settlement, unless and until such Class Members have filed valid Requests for Exclusion  
12 with the Settlement Administrator and the time for filing claims with the Settlement  
13 Administrator has elapsed.

14 10. The Court orders the following **Implementation Schedule** for further  
15 proceedings:

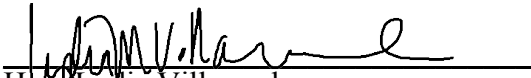
17 a.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator	[Within 14 days of after entry by the Court its Order of Preliminary Approval]
18 b.	Deadline for Settlement Administrator to mail Class Notice and Share Form to Class Members	[Within 28 days following the Preliminary Approval Date]
19 c.	Deadline for Class Members to Opt-Out, Object or Request to be Excluded from Settlement	[30 calendar days after mailing of the Class Notice and Share Form]
20 d.	Deadline for Settlement Administrator to provide Counsel with Declaration of Due Diligence and Proof of Mailing	[30 days before Final Approval and Fairness Hearing]
21 e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees and Costs, and Enhancement Award	[16 court days prior to the Final Approval and Fairness Hearing]

1	f.	<b>Final Approval and Fairness Hearing</b>	<b>July 18, 2018 at 2:00 p.m.</b>
2	g.	Deadline for Defendant to wire first installment of the Gross Settlement Amount to the Settlement Administrator	[Within 30 days of the Court's Granting Final Approval, pursuant to the Payment Plan]
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4	h.	Deadline for Defendant to wire second installment of the Gross Settlement Amount to the Settlement Administrator	[Within 180 days after the first installment, pursuant to the Payment Plan]
5			
6	i.	Deadline for Defendant to wire third installment of the Gross Settlement Amount to the Settlement Administrator	[Within 180 days after the second installment, pursuant to the Payment Plan]
7			
8	j.	Deadline for Defendant to wire fourth installment of the Gross Settlement Amount to the Settlement Administrator	[Within 180 days after the third installment, pursuant to the Payment Plan]
9			
10	k.	Deadline for Settlement Administrator to distribute Settlement Awards, Enhancement Award, and PAGA payment	[Within 5 calendar days of Defendant's fourth payment, pursuant to the Payment Plan]
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12	l.	Deadline for Defendant to wire fifth installment of the Gross Settlement Amount to the Settlement Administrator	[Within 180 days after the fourth installment, pursuant to the Payment Plan]
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14	m.	Deadline for Settlement Administrator to distribute a portion of Class Counsel's Fees and Expenses, as approved by the Court	[Within 5 calendar days of Defendant's fifth payment, pursuant to the Payment Plan]
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16	n.	Deadline for Defendant to wire sixth (final) installment of the Gross Settlement Amount to the Settlement Administrator	[Within 180 days after the fifth installment, pursuant to the Payment Plan]
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18	o.	Deadline for Settlement Administrator to distribute remaining portion of Class Counsel's Fees and Expenses, as approved by the Court	[Within 5 calendar days of Defendant's sixth payment, pursuant to the Payment Plan]
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p.	Settlement Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fee and Costs	[120 calendar days after Final Payment, pursuant to the Payment Plan]
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**IT IS SO ORDERED.**

Dated: **April 2, 2018**

  
Hon. Lydia Villarreal

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