

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

SEP 23 2020

BY 
JESSICA MORALES, DEPUTY

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Attorneys for Plaintiff,
DAVID JAIMES, and all others similarly situated

IN THE SUPERIOR COURT OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO
(UNLIMITED JURISDICTION)

DAVID JAIMES, on behalf of himself, and all
others similarly situated, and as an "aggrieved
employee" on behalf of other "aggrieved
employees" under the Labor Code Private
Attorneys General Act of 2004,

Plaintiff(s),

vs.

BAKER'S BURGERS, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendant(s)

Case No.: CIV DS 1933423

[Hon. David Cohn, Dept. S26]

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

Date: September 23, 2020

Time: 10:00 a.m.

Dept: S26

Action Filed: November 7, 2019

Trial Date: None Set

BY FAX



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1 Plaintiff DAVID JAIMES'S ("Jaimes" or "Plaintiff") unopposed Motion for Preliminary
2 Approval of a Class Action Settlement was scheduled for hearing before the Court on September
3 23, 2020, at 10:00 a.m., before the Honorable David Cohn, Judge presiding. The Court having
4 considered the papers submitted in support of the motion, HEREBY ORDERS THE
5 FOLLOWING:

6 1. The Court grants preliminary approval of the Settlement and the Class based upon
7 the terms set forth in the Stipulation of Class Action Settlement and Release (the Settlement) filed
8 herewith. All capitalized terms used herein shall have the same meaning as defined in the
9 Settlement. The Court finds that the terms of the Settlement are fair, adequate, and reasonable to
10 the Class. The Settlement falls within the range of reasonableness and appears to be presumptively
11 valid, subject only to any objections that may be raised at the final hearing and final approval by
12 this Court.

13 2. For purposes of this Order, the Class is defined as follows: All current and former
14 non-exempt employees Defendants employed in California at any time during the Class Period.
15 The Class is preliminarily certified for settlement purposes only.

16 3. The Court hereby preliminarily finds that the Settlement was the product of serious,
17 informed, non-collusive negotiations conducted at arm's length by the Parties. In making this
18 preliminary finding, the Court considered the nature of the claims set forth in the pleadings, the
19 amounts and kinds of benefits which shall be paid pursuant to the Settlement, the allocation of
20 Settlement proceeds to the Class, and the fact that the Settlement represents a compromise of the
21 Parties' respective positions. The Court further preliminarily finds that the terms of the Settlement
22 have no obvious deficiencies and do not improperly grant preferential treatment to any individual
23 Class member. Accordingly, the Court preliminarily finds that the Settlement was entered into in
24 good faith.

25 4. The Court finds that the dates set forth in the Settlement Agreement for mailing and
26 distribution of the Notice and Notice meet the requirements of due process and provide the best
27 notice practicable under the circumstances, and constitute due and sufficient notice to all persons
28 entitled thereto, and directs the mailing of the Notice Packet by first class mail to the Class as set
forth in the Settlement. Accordingly, the Court orders the following implementation schedule for
further proceedings:

a. Within ten (10) business days following the date of this Preliminary



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1 Approval Order, Defendants shall provide CPT Group, Inc., the appointed Settlement
2 Administrator, the Class List consisting of the names, most recent known mailing addresses,
3 telephone numbers, social security numbers, dates of employment and the total number of
4 Qualifying Pay Periods for all Class members during the Class Period;

5 b. Within thirty (30) calendar days following the date of this Preliminary
6 Approval Order, the Settlement Administrator shall mail the Notice and Notice (collectively, the
7 Notice Packet) along with a pre-printed postage paid return envelope, to all Class members
8 pursuant to the terms of the Settlement, by First Class U.S. Mail, postage prepaid using the most
9 current mailing address information available. The Notice Packet shall be in English and Spanish.

10 c. Within sixty (60) calendar days following the mailing of the Notice Packet,
11 all requests to be excluded from the non-PAGA portion of the Settlement must be returned to the
12 Settlement Administrator postmarked by U.S. Mail, as set forth in the Settlement.

13 d. Within fifteen (15) calendar days following the mailing of the Notice
14 Packet, the Settlement Administrator shall mail to each Class Member who has not requested
15 exclusion from the non-PAGA portion of the Settlement a postcard in English and Spanish
16 reminding them of the deadline to request exclusion from the Settlement.

17 e. The Court will consider any written or oral objections or comments from
18 Class Members at the time of the Final Approval Hearing, as set forth in the Notice. Written
19 objections to the proposed settlement should state the basis for the objection and be mailed together
20 with copies of all papers and briefs in support thereof to the Settlement Administrator within sixty
21 (60) calendar days following the mailing of the Notice.

22 5. The Court approves, as to form and content, the Notice (in substantially the form
23 attached as Exhibit 1 to the Settlement). The Court also approves the procedure for members of
24 the Class to object to the Settlement set forth in the Notice.

25 6. The Court approves, for settlement purposes only, David Spivak of The Spivak Law
26 Firm and Walter Haines of the United Employees Law Group as Class Counsel.

27 7. The Court approves, for settlement purposes only, David Jaimes as the Class
28 Representative.

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

9. A Final Approval Hearing shall be held at 1/5/21 at 10:00 am

~~2020~~ in Department 26 of the Superior Court for the State of California, County of San Bernardino.



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1 located at 247 West Third Street, San Bernardino, CA 92415, to consider the fairness, adequacy
2 and reasonableness of the proposed Settlement preliminarily approved by this Order, and to
3 consider the application of Class Counsel for an award of reasonable attorneys' fees and costs
4 incurred and the Enhancement Award. All briefs and materials in support of the Motion for an
5 Order of Final Approval and Judgment and Application for Attorneys' Fees and Costs shall be
6 filed with this Court at least sixteen (16) court days before the Final Approval Hearing.

7 10. If for any reason the Court does not execute and file an Order of Final Approval
8 and Judgment, or if the Effective Date, as defined in the Settlement, does not occur for any reason,
9 the proposed Settlement that is the subject of this Order, and all evidence and proceedings had in
10 connection therewith, shall be without prejudice to the status quo ante rights of the Parties to the
11 litigation, as more specifically set forth in the Settlement.

12 11. Pending further Order of this Court, all proceedings in this matter except those
13 contemplated herein and in the Settlement are hereby stayed.

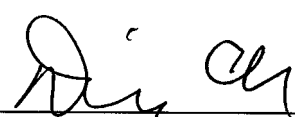
14 12. The Court further ORDERS that to facilitate administration of this Settlement, all
15 Class members, including Plaintiff, are hereby enjoined from filing or prosecuting any claims,
16 cases, suits or administrative proceedings (including filing or pursuing claims with the California
17 Division of Labor Standards Enforcement) regarding claims released by the Settlement, unless and
18 until such Class members have filed valid and timely written requests for exclusion with the
19 Settlement Administrator.

20 13. The Court expressly reserves the right to adjourn or continue the Final Approval
21 Hearing from time to time without further notice to members of the Class.

22 **IT IS SO ORDERED.**

23 Date:

24 9/23/21

25 
26 Honorable David Cohn
27 Judge of the San Bernardino Superior Court
28



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PROOF OF SERVICE

State of California,
County of Los Angeles

1. I am a citizen of the United States and am employed in the County of Los Angeles, State of California. I am over the age of 18 years, and not a party to the within action. My business address is 16530 Ventura Blvd., Suite 203, Encino, California 91436.

2. I am familiar with the practice of The Spivak Law Firm, for collection and processing of correspondence for mailing with the United States Postal Service. It is the practice that correspondence is deposited with the United States Postal Service the same day it is submitted for mailing.

On Monday, August 31, 2020, I served the foregoing document described as **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT** on interested parties by electronic mail, addressed as follows:

Veronica M. Gray, Esq.
Allison C. Callaghan
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18101 Von Karman Avenue, Suite 1800
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XXXX (BY EMAIL) Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above from my electronic service address shant@spivaklaw.com.

EXECUTED on Monday, August 31, 2020, at Pasadena, California.

XXXX (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

____ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



SHANT JALTROSSIAN



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