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10 DIANA IZAMAR GARCIA, individually and  
11 on behalf of all others similarly situated

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 FOR THE COUNTY OF LOS ANGELES

14 DIANA IZAMAR GARCIA, an individual, on  
15 behalf of himself and all others similarly  
16 situated,

17 Plaintiff,

18 vs.

19 COMEX FOOD SERVICE, INC., a California  
20 corporation; COMEX KC, LLC, a California  
21 limited liability company; COMEX KC, LP, a  
22 California limited partnership; and DOES 1  
23 through 50, inclusive,

24 Defendants.

**FILED**  
Superior Court of California  
County of Los Angeles

**11/15/2023**

David W. Slayton, Executive Officer / Clerk of Court

By: L. MGreené Deputy

Case No. BC652501

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

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

Action Filed: March 2, 2017  
Trial Date: None set

1 Plaintiff Diana Izamar Garcia’s (“Plaintiff”) Motion for Preliminary Approval of Class  
2 Action Settlement came on regularly for hearing on July 26, 2023, the Honorable Carolyn B.  
3 Kuhl presiding. Having reviewed Plaintiff’s motion and all papers submitted in support thereof,  
4 including the Class Action and PAGA Settlement Agreement (“Agreement”), and good cause  
5 appearing, the Court hereby finds and orders as follows:

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

9 2. The Court provisionally certifies for settlement purposes only the following class:  
10 all persons employed by defendants Comex Food Service, Inc., Comex KC, LLC, and/or Comex  
11 KC, LP (“Defendants”) in California and classified as non-exempt employees who worked for  
12 Defendants during the time period from March 2, 2013 through November 9, 2022 (“Class  
13 Period”);

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

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

26 5. The Court appoints, for settlement purposes only, Plaintiff Diana Izamar Garcia as  
27 class representative.

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1           6.       The Court appoints, for settlement purposes only, Matthew J. Matern, Launa  
2 Adolph, and Shooka Dadashzadeh of Matern Law Group, PC, as Class Counsel.

3           7.       The Court appoints CPT Group, Inc. as the Settlement Administrator.

4           8.       The Court approves as to form and content the Court Approved Notice of Class  
5 Action Settlement and Hearing Date for Final Court Approval (“Class Notice”) and the plan for  
6 distribution of the Class Notice to the Settlement Class Members. The Court finds that the notice  
7 plan as set forth in the Agreement is the best means practicable under the circumstances for  
8 providing notice to the Settlement Class Members, and when completed, shall constitute due and  
9 sufficient notice of the class action, the proposed Settlement, and the final approval hearing to all  
10 persons entitled to such notice, in full compliance with due process and the notice requirements of  
11 California Code of Civil Procedure § 877.6.

12           9.       The Parties are ordered to carry out the Settlement according to the terms of the  
13 Agreement.

14           10.      The Court sets the following implementation schedule:

15           Deadline for Defendant to provide the Class 16           Data to Settlement Administrator	15 days after entry of Preliminary Approval Order
17           Deadline for Settlement Administrator to 18           mail Class Notices to Settlement Class 19           Members	14 days after receiving the Class Data from Defendant
20           Deadline for Settlement Class Members to 21           object to Settlement or request exclusion 22           (“Response Deadline”)	45 days after Class Notice is mailed by the Settlement Administrator to Settlement Class Members
23           Deadline for Plaintiff to file Motion for Final 24           Approval of Class Action Settlement and 25           respond to any objections	_____ (no later than 16 court days before the Final Approval Hearing)
26           Final Approval Hearing	On <del>1/14/2020</del> <del>at 10:00 AM</del> <del>at the</del> _____, at _____, Dept. SSC-12

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**IT IS SO ORDERED.**

DATED: 11/15/2023, 2023



*Carolyn B. Kuhl*

Carolyn B. Kuhl / Judge

HON. CAROLYN B. KUHL  
JUDGE OF THE SUPERIOR COURT