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8	Attorneys for Plaintiff Angelica Aguilar	
9		HE STATE OF CALIFORNIA
10	FOR THE COUNTY OF SAN BERNARDINO	
11	ANGELICA AGUILAR, individually, and on	Case No. CIVSB2206760
12	behalf of other members of the general public similarly situated,	Assigned to the Hon. Joseph T. Ortiz
13	Plaintiff,	[PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF
14	VS.	CLASS ACTION AND PAGA SETTLEMENT
15 16	DISTRIBUTION ALTERNATIVES, INC., a Minnesota corporation; and DOES 1 through 10, inclusive,	Date:September 7, 2023Time:1:30 p.m.Place:Department S17
17	Defendants.	Complaint Filed: March 29, 2022
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	ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT	

1	ORDER		
2	On September 7, 2023, this Court conducted a hearing on Plaintiff's Motion for Preliminary		
3	Approval of the Class Action and PAGA Settlement (the "Motion"). Having considered the Motion and		
4	the points and authorities submitted in support of the Motion, including the Stipulation Regarding Class		
5	Action and PAGA Settlement and Release ("Settlement Agreement" or "Settlement"), and GOOD		
6	CAUSE appearing, IT IS HEREBY ORDERED that the Motion is GRANTED, subject to the		
7	following 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 hourly, non-exempt employees who are currently or have been directly employed by		
13	Defendant in the State of California at any time during the period from March 29, 2018 through the		
14	earlier of September 10, 2023 or the date the Court preliminarily approves the Settlement Agreement.		
15	3. The class action settlement set forth in the Settlement Agreement, entered into among		
16	the Parties and their counsel, is preliminarily approved as it appears to be proper, to fall within the range		
17	of reasonableness, to be the product of arm's-length and informed negotiations, to treat all Class		
18	Members fairly, and to be presumptively valid, subject only to any objections that may be raised at or		
19	before the final approval hearing.		
20	4. The Court further finds that Plaintiff conducted extensive investigation and research, and		
21	that she was able to reasonably evaluate her position and the strengths and weaknesses of her claims and		
22	her ability to certify them. Plaintiff has provided the Court with enough information about the nature and		
23	magnitude of the claims being settled, as well as the impediments to recovery, to make an independent		
24	assessment of the reasonableness of the terms to which the Parties have agreed.		
25	5. The Court also finds that settlement now will avoid additional and potentially substantial		
26	litigation costs, as well as delay and risks if the Parties were to continue to litigate the Action.		
27	6. The Court preliminarily approves the Settlement Agreement, including all the terms and		
28	conditions set forth therein and the Gross Settlement Amount and allocation of payments.		
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1	7. The rights of any potential dissenter	s to the proposed Settlement are adequately	
2	protected in that they may exclude themselves from the Settlement and proceed with any alleged claims		
3	they may have against Defendant, or they may object to the Settlement and appear before this Court.		
4	However, to do so they must follow the procedures outlined in the Settlement Agreement and Notice of		
5	Class Action Settlement.		
6	8. The Court approves, as to form and content, the proposed Notice of Class Action		
7	Settlement ("Class Notice").		
8	9. The Court directs the mailing, by First-Class U.S. mail, of the Class Notices to Class		
9	Members in accordance with the schedule set forth below and the other procedures described in the		
10	Settlement Agreement. The Court finds that the method selected for communicating the preliminary		
11	approval of the Settlement Agreement to Class Members is the best notice practicable under the		
12	circumstances, constitutes due and sufficient notice to all persons entitled to notice, and thereby satisfies		
13	due process.		
14	10. The Court appoints Plaintiff Angelica Aguilar as the representative for the Settlement		
15	Class conditionally certified by this Order.		
16	11. The Court appoints Capstone Law APC as Class Counsel. The Court finds that counsel		
17	have demonstrable experience litigating, certifying, and settling class actions, and will serve as adequate		
18	counsel for the Class conditionally certified by this (Drder.	
19	12. The Court approves and appoints C	PT Group, Inc. as the Settlement Administrator.	
20	13. The following dates shall govern fo	r purposes of this Settlement:	
21	Date	Event	
22	September 21, 2023 (or not later than 10 business days after the Court grants preliminary approval of the Settlement Agreement, if later)	Last day for Defendant to produce the Class List to the Settlement Administrator.	
23	October 6, 2023 (or not later than 10 business	Last day for the Settlement Administrator to mail	
24	days after Defendant produces the Class List, if later)	Class Notices to all Class Members.	
25	November 20, 2023 (or not later than 45 calendar	Last day for Class Members to submit Requests	
26	days after the Settlement Administrator mails the Class Notices, if later)	for Exclusion or Objections to the Settlement.	
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Date	Event		
December 8, 2023	Last day for Plaintiff to file and serve the Motio		
	for Final Approval of Class Action Settlement		
	and Motion for Attorneys' Fees, Costs, and a		
January 4 2024 at 1:30 p.m.	Class Representative Enhancement Payment. 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.			
without further notice to the Class Members	5.		
IT IS SO ORDERED.			
Dated: $9/7/73$ Hon. Joseph T. Ortiz			
	San Bernardino County Superior Court Judge		