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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

OCT 26 2021

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

8 Attorneys for Plaintiff Martina E. Gonzalez, individually and on behalf of other persons
9 similarly situated and similarly aggrieved employees

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF ORANGE

12 MARTINA E. GONZALEZ, individually
13 and on behalf of other persons similarly
14 situated and similarly aggrieved
15 employees,

16 Plaintiffs,

17 v.

18 FMS MANAGEMENT, an active
19 California Corporation; and DOES 1
20 through 10,

21 Defendants.

Case No.: 30-2019-01065563-CU-OE-CXC

CLASS AND REPRESENTATIVE ACTION

[Assigned to Hon. James J. Di Cesare in C16]

~~PROPOSED~~ ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT

Date: October 1, 2021

Time: 10:00 a.m.

Dept.: C16

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1 On October 1, 2021, the Court considered the motion of Plaintiff Martina E. Gonazlez
2 for preliminary approval of the Parties' proposed class action Settlement.

3 The Court having read and considered the papers on the motion submitted by Class
4 Counsel, having heard the presentation of Class Counsel and Defendant's counsel, having
5 reviewed all of the submissions presented with respect to the proposed Settlement, having
6 carefully considered the requirements for class certification, and having preliminarily
7 determined that the Settlement is fair, adequate, and reasonable, it is hereby ORDERED
8 ADJUDGED, and DECREED that:

9 1. Preliminary Approval of the Class Action Settlement is GRANTED pursuant
10 to Cal. Rules of Court, rule 3.769;

11 2. The Settlement, as set forth in the Amended Joint Stipulation of Class Action
12 and PAGA Settlement and Release ("Settlement Agreement"), and which settles the claims as
13 set forth in the operative Third Amended Complaint¹, is in all respects fair, reasonable,
14 adequate, and in the best interests of the Class Members, and it is preliminarily approved.
15 Except as expressly set forth herein, the Parties shall effectuate the Settlement Agreement
16 according to its terms. The Settlement Agreement, and every term and provision thereof, shall
17 be deemed incorporated herein as if explicitly set forth and shall have full force of an Order
18 of this Court;

19 3. The Court finds that the notice plan set forth in the Settlement Agreement
20 constitutes the best notice practicable under the circumstances and shall constitute due and
21 sufficient notice to the Class Members of the pendency of the Action, the terms of the
22 Settlement Agreement, the Final Approval Hearing, and satisfies the requirements of
23 California law and federal due process law;

24 4. The proposed class is provisionally certified under Civ. Code § 382, with Class
25 Members defined as:

26 ¹ Which was filed unsigned on July 8, 2021 (ROA #105) and signature for which was file through the Notice of Errata submitted by Plaintiff on October 5, 2021 (ROA #124).

1 Any and all current and former hourly-paid or non-exempt
2 employees who for worked for Defendant FMS Management
3 within the State of California at any time from January 1, 2017
4 to the Preliminary Approval Date. ("Class Period").

5 5. Plaintiff Martina E. Gonzalez is appointed as Class Representative;

6 6. Zorik Mooradian and Haik Hacopian of Mooradian Law, APC are appointed
7 as Class Counsel for the class;

8 7. CPT Group, Inc., is appointed as the third-party administrator ("Settlement
9 Administrator");

10 8. The proposed settlement of Plaintiff's Private Attorneys General Act (the
11 "PAGA") claims is preliminarily approved;

12 9. The proposed Class Notice, Request for Exclusion Form, and Objection Form
13 ("Notice Documents") attached as Exhibits 1-3 to the Settlement Agreement, are approved
14 and shall be disseminated according to the notice plan described in the Settlement Agreement
15 and substantially in the forms submitted;

16 10. In conformity with the Notice Documents, Class Members wishing to be
17 excluded from the class must submit a written request for exclusion requesting exclusion from
18 the Settlement on or before the expiration of the opt out period sixty (60) days after the date
19 that the Class Notice is mailed; a written request for exclusion may be satisfied by a Class
20 Member's completion and submission of a Request for Exclusion Form or any other writing
21 complying with the Notice Documents that reflects an exclusion request;

22 11. In conformity with the Notice Documents, any Class Member who does not
23 opt out of the Settlement may object to the settlement, either personally or through an attorney,
24 by providing written notice that the Class Member is objecting to the Settlement
25 Administrator, which written notice must be postmarked no later than sixty (60) days after the
26 date that the Class Notice is mailed; a written objection may be satisfied by a Class Member's
completion and submission of an Objection Form or any other writing complying with the
Notice Documents that reflects an objection;

12. A Final Approval Hearing will be held on 4-15-22 at 9:30am
to determine if the proposed settlement should be granted final approval. The Court will hear

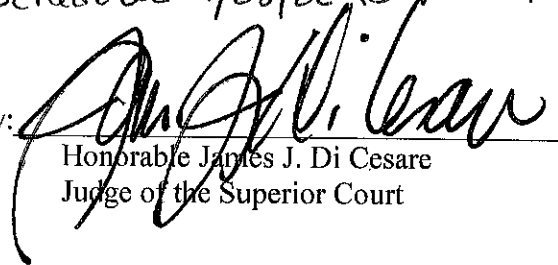
1 all evidence and argument necessary to evaluate the Settlement, and will consider Plaintiff's
2 request for Class Representative Service Payment, Class Counsel's request for Attorney's
3 Fees, Class Counsel's request for Costs, payment to the LWDA, and payment to the
4 Settlement Administrator. Any Class Member who wishes to appear at the Final Approval
5 Hearing may do so provided that any appearance is consistent with the Notice Documents;

6 13. Class Counsel is to file and serve the Motion for Final Approval of Class
7 Action Settlement and for Award of Class Representative Service Award, Attorneys' Fees,
8 Costs, payment to the LWDA, and payment to the Settlement Administrator, ~~by~~
9 pursuant to code.

10 14. The Court shall retain jurisdiction necessary to effectuate this Order and
11 consider all further applications out of or in connection with the Settlement.

Motion for Approval scheduled 1/28/22 is vacated.

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13 Dated: OCT 26 2021

14 By: 
15 Honorable James J. Di Cesare
16 Judge of the Superior Court
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