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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

SALLY PORTER, individually, and on behalf of
other members of the general public similarly
situated,

Plaintiff,

vs.

INDIAN HILL MANAGEMENT, INC., a
California corporation; WEBB FAMILY
ENTERPRISES, INC., a California corporation;
and DOES 1 through 10, inclusive,

Defendants.

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

MAY 16 2023

BY 
JESSICA MORALES, DEPUTY

Case No.: CIVSB2026788

Assigned to the Hon. David Cohn

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

Date: May 16, 2023
Time: 10:00 a.m.
Place: Department S26

Complaint Filed: November 30, 2020

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ORDER

On May 16, 2023, this Court conducted a hearing on Plaintiff's Motion for Preliminary Approval of the Class Action Settlement (the "Motion"). Having considered the Motion and the points and authorities submitted in support of the Motion, including the Joint Stipulation of Class Action and PAGA Settlement and Release ("Settlement Agreement" or "Settlement"), and **GOOD CAUSE** appearing, **IT IS HEREBY ORDERED** that the Motion is **GRANTED**, subject to the following findings and orders:

1. This Order incorporates by reference the Settlement Agreement, and unless indicated otherwise, all capitalized terms used herein will have the same meaning as set forth in the Settlement Agreement.

2. The Settlement Class shall be conditionally certified for settlement purposes only and shall consist of: (a) all persons who worked for Defendants as non-exempt, hourly paid employees at a McDonald's location in the State of California at any time from November 30, 2016 to April 30, 2021 ("Group One Class Members"); and (b) all persons who worked for Defendant Webb Family Enterprises, Inc. as non-exempt, hourly paid employees in the State of California at any time from November 30, 2016 to March 13, 2023 ("Group Two Class Members").

3. The class action settlement set forth in the Settlement Agreement, entered into among the Parties and their counsel, is preliminarily approved as it appears to be proper, to fall within the range of reasonableness, to be the product of arm's-length and informed negotiations, to treat all Class Members fairly, and to be presumptively valid, subject only to any objections that may be raised at or before the final approval hearing.

4. The Court further finds that Plaintiff conducted extensive investigation and research, and that she was able to reasonably evaluate her position and the strengths and weaknesses of her claims and her ability to certify them. Plaintiff has provided the Court with enough information about the nature and magnitude of the claims being settled, as well as the impediments to recovery, to make an independent assessment of the reasonableness of the terms to which the Parties have agreed.

5. The Court also finds that settlement now will avoid additional and potentially substantial litigation costs, as well as delay and risks if the Parties were to continue to litigate the Action.

1 6. The Court preliminarily approves the Settlement Agreement, including all the terms and
2 conditions set forth therein and the Gross Settlement Amount and allocation of payments.

3 7. The rights of any potential dissenters to the proposed Settlement are adequately
4 protected in that they may exclude themselves from the Settlement and proceed with any alleged claims
5 they may have against Defendants, or they may object to the Settlement and appear before this Court.
6 However, to do so they must follow the procedures outlined in the Settlement Agreement and Notice of
7 Class Action Settlement.

8 8. The Court approves, as to form and content, the proposed Notice of Class Action
9 Settlement ("Class Notice").

10 9. The Court directs the mailing, by First-Class U.S. mail, of the Class Notices to Class
11 Members in accordance with the schedule set forth below and the other procedures described in the
12 Settlement Agreement. The Court finds that the method selected for communicating the preliminary
13 approval of the Settlement Agreement to Class Members is the best notice practicable under the
14 circumstances, constitutes due and sufficient notice to all persons entitled to notice, and thereby satisfies
15 due process.

16 10. The Court appoints Plaintiff Sally Porter as the representative for the Settlement Class
17 conditionally certified by this Order.

18 11. The Court appoints Capstone Law APC as Class Counsel. The Court finds that counsel
19 have demonstrable experience litigating, certifying, and settling class actions, and will serve as adequate
20 counsel for the Class conditionally certified by this Order.

21 12. The Court approves and appoints CPT Group, Inc. as the Settlement Administrator.

22 13. The following dates shall govern for purposes of this Settlement:

Date	Event
June 15, 2023 (or not later than 30 calendar days after the Court grants preliminary approval of the Settlement Agreement, if later)	Last day for Defendants to produce the Class List to the Settlement Administrator.
June 26, 2023 (or not later than 10 calendar days after Defendants produce the Class List, if later)	Last day for the Settlement Administrator to mail Class Notices to all Class Members.
August 10, 2023 (or not later than 45 calendar days after the Settlement Administrator mails the Class Notices, if later)	Last day for Class Members to submit Requests for Exclusion or Objections to the Settlement.

Date	Event
September 1, 2023	Last day for Plaintiff to file the Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees, Costs, and a Class Representative Enhancement Payment.
October 3, 2023 at 10:00 9:00 a.m.	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.

IT IS SO ORDERED.

Dated: 5/16/23



Hon. David Cohn
San Bernardino County Superior Court Judge