

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

05/23/2022

Sherri R. Carter, Executive Officer / Clerk of Court

By:                     T. Lewis                     Deputy

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*Attorneys for Plaintiff, the Putative Class and Aggrieved Employees*

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES**

MARIA GONZALEZ, on behalf of herself  
and all other similarly situated;

Plaintiff,

vs.

LIEF ORGANICS, LLC, a California  
limited liability company; and DOES 1  
through 20, inclusive;

Defendants.

Case No. 20STCV19371

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

Date: May 13, 2022

Time: 9:00 a.m.

Dept: 11

Judge: Hon. David S. Cunningham III

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1 Plaintiff's unopposed Second Motion for Preliminary Approval of a Class Action  
2 Settlement came before this Court on May 13, 2022, in Department 11, the Honorable David S.  
3 Cunningham III presiding. The Court having considered the papers submitted in support of the  
4 application of the parties, HEREBY ORDERS THE FOLLOWING:

5 1. The Court grants preliminary approval of the Settlement and the Settlement Class  
6 based upon the terms set forth in the Joint Stipulation Of Class Action And Representative Action  
7 Pursuant To Labor Code § 2699(f) Settlement And Release Between Plaintiff, On Behalf Of  
8 Herself And All Others Similarly Situated And Aggrieved, And Defendant (the "Settlement  
9 Agreement") attached as **Exhibit A** to the Declaration of Jonathan Melmed in support of Plaintiff's  
10 Motion for Order Granting Preliminary Approval of Class Action Settlement. All terms used  
11 herein shall have the same meaning as defined in the Settlement Agreement. The settlement set  
12 forth in the Settlement Agreement appears to be fair, adequate and reasonable to the Class, and the  
13 Court preliminarily approves the terms of the Settlement Agreement, including, without limitation:

- 14 a. A non-reversionary Gross Settlement Amount of **\$575,000.00**;
- 15 b. The Class Representative enhancement payment to the named Plaintiff of  
16 **\$7,500.00**;
- 17 c. Court approved attorneys' fees to Class Counsel of up to **\$191,666.66**,  
18 representing one-third of the Gross Settlement Amount;
- 19 d. Court approved litigation costs to Class Counsel of up to **\$15,000.00**;
- 20 e. Fees and Costs of the Settlement Administrator of up to **\$10,000.00**; and
- 21 f. A PAGA allocation of \$20,000.00, with **\$15,000.00** (i.e., 75%) payable to the  
22 California Labor & Workforce Development Agency for its portion of the  
23 PAGA penalties.

24 2. This Court has considered the papers in support of the Motion and the Settlement  
25 Agreement and finds that the, pursuant to C.R.C. Rule 3.769(d), proposed Class should be certified  
26 for settlement purposes only. Specifically, the Court finds for settlement purposes only that the  
27 proposed Class: (a) is ascertainable; (b) is sufficiently numerous; (c) meets the commonality  
28 requirements; (d) the claims of the Class Representatives are typical of the claims of the proposed

1 Class Members; (e) Class Representatives' counsel has and is able to adequately represent the  
2 proposed Class; (f) the Class Representative is adequate to represent the Class; and (g) class-wide  
3 treatment of this dispute is superior to individual litigation because common issues predominate  
4 over individual issues for settlement purposes.

5 3. The Settlement falls within the range of reasonableness and appears to be  
6 presumptively valid, subject only to any objections that may be raised at the final fairness hearing  
7 and final approval by this Court.

8 4. A final fairness hearing on the question of whether the proposed Settlement,  
9 attorneys' fees and costs to Class Counsel, and the Class Representative's enhancement award  
10 should be finally approved as fair, reasonable and adequate as to the members of the Class is  
11 scheduled on the date and time set forth in the implementation schedule in Paragraph 13 below.

12 5. This Court approves, as to form and content, the Notice of Proposed Class Action  
13 Settlement and Hearing Date for Court Approval ("Class Notice"), in substantially the form  
14 attached to the Settlement Agreement as **Exhibit 1**. The Court approves the procedure for Class  
15 Members to participate in, to opt out of, and to object to, the Settlement as set forth in the Settlement  
16 Agreement.

17 6. The Court directs the mailing of the Class Notice by first class mail to the Class  
18 Members in accordance with the Implementation Schedule set forth below. The Court finds the  
19 dates selected for the mailing and distribution of the Notice, as set forth in the Implementation  
20 Schedule, meet the requirements of due process and provide the best notice practicable under the  
21 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

22 7. It is ordered that the Settlement Class is preliminarily certified for settlement  
23 purposes only.

24 8. The Court preliminary certifies for settlement purposes only the Settlement Class  
25 defined as follows: *all individuals who are or were employed as non-exempt employees of*  
*Defendant Lief Organics, LLC from May 19, 2016 through April 14, 2021.*

26 9. The Court preliminarily confirms Plaintiff Maria Gonzalez as the Class  
27 Representative.

1           10.     The Court preliminarily approves Jonathan Melmed and Laura Supanich of Melmed  
2 Law Group P.C. as Class Counsel.

3           11.     The Court appoints ILYM Group, Inc. as the Settlement Administrator.

4           12.     To facilitate administration of the Settlement pending final approval, the Court  
5 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or  
6 administrative proceedings (including filing claims with the Division of Labor Standards  
7 Enforcement of the California Department of Industrial Relations) regarding claims released by  
8 the Settlement, unless and until such Class Members have filed valid Requests for Exclusion with  
9 the Settlement Administrator and the time for filing claims with the Settlement Administrator has  
10 elapsed.

11           13.     The Court orders the following **Implementation Schedule** for further proceedings:

12	a.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator	May 27, 2022
13	b.	Deadline for Settlement Administrator to Mail Notice to Class Members	June 12, 2022
14	c.	Deadline for Class Members to Postmark Requests for Exclusion	July 27, 2022
15	d.	Deadline for Class Members to submit any Objections to Settlement	July 27, 2022
16	e.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	August 17, 2022
17	f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees, Costs, and Enhancement Award	August 19, 2022
18	g.	<b>Final Approval and Fairness Hearing</b>	<b>September 13, 2022, 9:00 a.m.</b>
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1           14. If any of the dates in this Implementation Schedule falls on a weekend, bank or  
2 court holiday, the time to act shall be extended to the next business day.

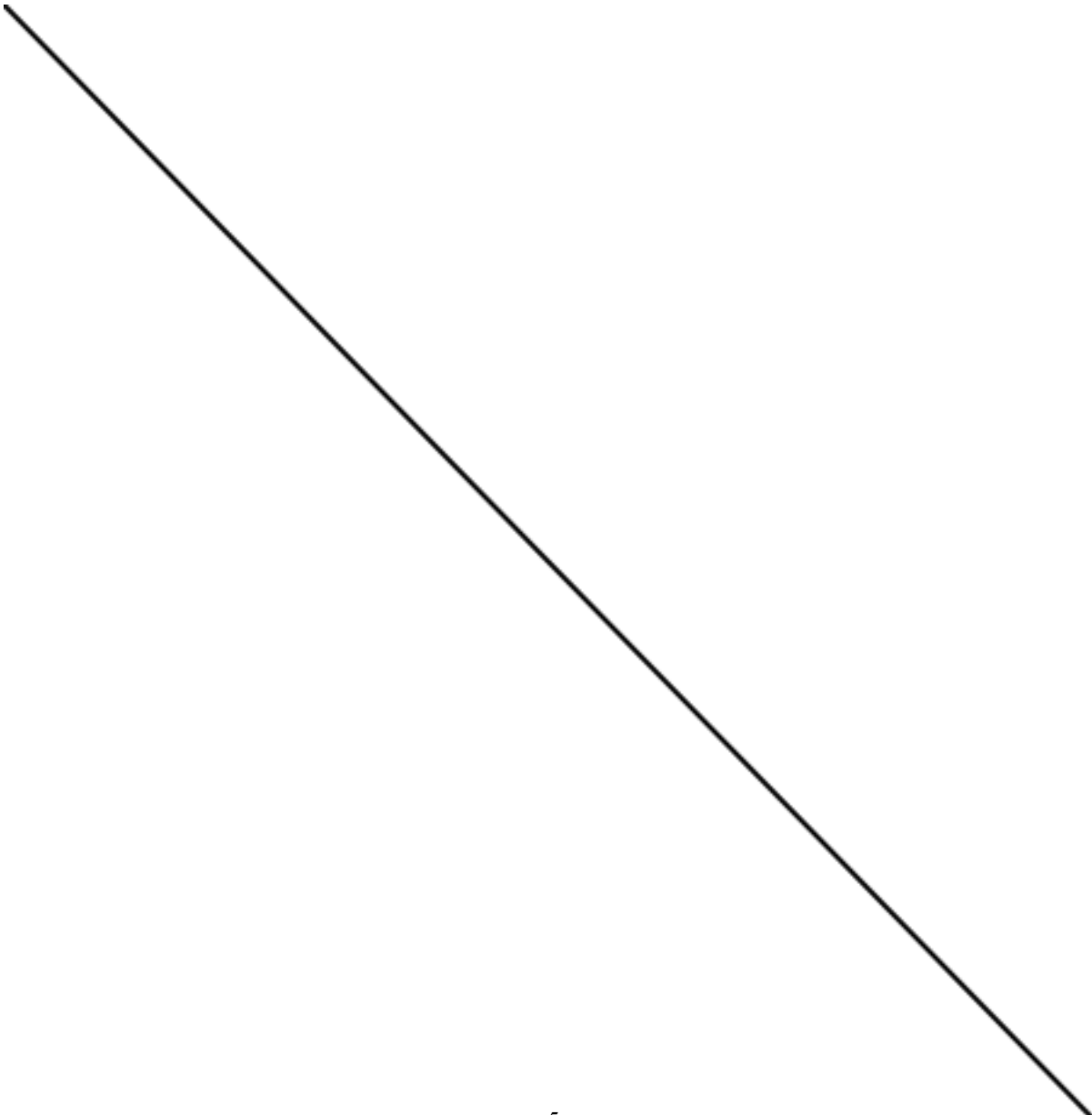
3           15. The Court shall retain jurisdiction over the Action for all purposes pursuant to  
4 California Rule of Court 3.769 and California Rule of Civil Procedure § 664.6 to enforce the terms  
5 of the Settlement.

6           **IT IS SO ORDERED.**

7  
8 Dated:   10/10/2011  



Hon. David S. Cunningham III  
Judge of the Superior Court, Los Angeles County



**PROOF OF SERVICE**  
**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am over the age of 18 years and am employed in the County of Los Angeles, State of California. I am not a party to this action. My business address is 1801 Century Park East, Suite 850, Los Angeles, California 90067.

I declare that on the date hereof, May 17, 2022, I served the foregoing document(s) described as:

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


By causing a true copy thereof to be sent to the following individuals and/or parties:

JACKSON LEWIS P.C.  
Joel P. Kelly  
[Joel.Kelly@jacksonlewis.com](mailto:Joel.Kelly@jacksonlewis.com)  
Eve Tilley-Coulson  
[Eve.tilley-coulson@jacksonlewis.com](mailto:Eve.tilley-coulson@jacksonlewis.com)  
725 South Figueroa Street, Suite 250  
Los Angeles, California 90017

**BY CASE ANYWHERE:** Based on a court order or an agreement of the parties to accept service by electronic transmission using Case Anywhere, I caused the document to be sent to the persons at the electronic notification addresses listed above (or on attached service list). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of California that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 17, 2022, in Los Angeles, California.

  
\_\_\_\_\_  
Lorie Gutierrez