



1 The Motion for Preliminary Approval of the Class Settlement came before this Court, the  
2 Honorable Joel M. Pressman presiding. This is a certified Class action. The Court, having  
3 considered the papers submitted in support of the motion of the parties, **HEREBY ORDERS**  
4 **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 Class Settlement Agreement filed herewith. The Settlement  
7 appears to be fair, adequate, and reasonable to the Class.

8 2. For purposes of this Order, the Class is defined as follows: all non-exempt,  
9 hourly-paid employees who worked for Defendant Mazatlan, Inc. or any of its affiliates,  
10 subsidiaries, or successors, from January 27, 2011 to December 14, 2016, and who did not opt out  
11 of the Class.

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

15 4. A final fairness hearing on the question of whether the proposed Settlement,  
16 attorneys' fees to Class Counsel, and the claims administration costs should be finally approved  
17 as fair, adequate, and reasonable as to the members of the Class is scheduled for February 23,  
18 2018 at 10:30 a.m. (Pacific Time), in Department C-66.

19 5. The Court approves, as to form and content, the Notice to Class Members in  
20 substantially the form attached to the Motion for Preliminary Approval as **Exhibit "3"** and  
21 attached hereto as **Exhibit "1"**. The Court approves the procedure for Class Members to object to  
22 the Settlement as set forth in the Notice to Class Members.

23 6. The Court directs the mailing of the Notice and related documents to Class  
24 Members by first class mail to the Class Members in accordance with the Implementation  
25 Schedule set forth below. The Court finds that the dates selected for the mailing and distribution  
26 of the Notice, as set forth in the Implementation Schedule, meet the requirements of due process  
27 and provide the best notice practicable under the circumstances and shall constitute due and  
28 sufficient notice to all persons entitled thereto.

- 1           7.       The Court confirms Kingsley & Kingsley, APC as Class Counsel.
- 2           8.       The Court confirms Joel Nolasco Suarez as class representative.
- 3           9.       The Court approves CPT Group, Inc. as the Settlement Administrator.
- 4           10.      The Court orders that pursuant to the California Private Attorneys General Act,
- 5 Labor Code §§ 2698, et seq. (“PAGA”), statutory notice of this Settlement has been and will
- 6 continue to be given to the Labor & Workforce Development Agency.
- 7           11.      The Court orders the following Implementation Schedule for further proceedings:

8           a.	Preliminary Approval	October 6, 2017
9           b.	Deadline for Defendant to Provide Names and Addresses of Class Members to Claims Administrator	15 days from Preliminary Approval
10          c.	Mail Notice to Class Members	21 days from Receipt of List
11          e.	Deadline for Postmark of Any Objection	30 Days from Mailing of Notices
12          f.	Deadline for Class Counsel to file Motion for Final Approval of Class Settlement	January 26, 2018
13          g.	Deadline for Class Counsel to file Motion for Attorneys' Fees	January 26, 2018
14          h.	Final Approval Hearing	February 23, 2018

19           IT IS FURTHER ORDERED that if the Court does not execute and file an Order of Final  
20 Approval and Judgment, or if the Effective Date of Settlement, as defined in the Settlement  
21 Agreement, does not occur for any reason, the Settlement Agreement and the proposed Settlement  
22 that is the subject of this Order, and all evidence and proceedings had in connection therewith,  
23 shall be without prejudice to the status quo ante rights of the Parties to the litigation, as more  
24 specifically set forth in the Settlement Agreement.

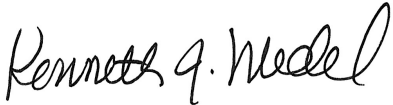
25           12.     IT IS FURTHER ORDERED that, pending further Order of this Court, all  
26 proceedings in this matter except those contemplated herein and in the Settlement Agreement are  
27 hereby stayed.

28           13.     The Court expressly reserves the right to adjourn or continue the Final Fairness

1 Hearing from time to time without further notice to members of the Settlement Class.

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**DATED:** 10/31/17



**JUDGE OF THE SUPERIOR COURT**

Judge Kenneth J Medel