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Filed
April 13, 2023
Clerk of the Court
Superior Court of CA
County of Santa Clara
21CV376481
By: rwalker

8 Attorneys for Plaintiff Martin Asencio Rojas

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF SANTA CLARA

11
12 MARTIN ASECIO ROJAS, individually, and
13 on behalf of other members of the general public
similarly situated,

14 Plaintiff,

15 vs.

16 PULMUONE FOODS USA, INC., an Iowa
17 corporation; PULMUONE U.S.A., INC., a
California corporation; NASOYA FOODS
18 USA, LLC, a Delaware limited liability
company; and DOES 1 through 10, inclusive,

19 Defendants.
20

Case No.: 21CV376481

Assigned to the Hon. Theodore C. Zayner

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

Date: April 12, 2023

Time: 1:30 p.m.

Place: Department 19

Complaint Filed: February 26, 2021

1 **[PROPOSED] ORDER**

2 On April 12, 2023, this Court conducted a hearing on Plaintiff’s Motion for Preliminary Approval
3 of the Class Action Settlement (the “Motion”). Having considered the Motion and the points and
4 authorities submitted in support of the Motion, including the Joint Stipulation of Class Action Settlement
5 and Release (“Settlement Agreement” or “Settlement”), and **GOOD CAUSE** appearing, **IT IS HEREBY**
6 **ORDERED** that the Motion is **GRANTED**, subject to the following findings and orders:

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

10 2. The Settlement Class shall be conditionally certified for settlement purposes only and shall
11 consist of all persons who were employed by Defendant in non-exempt hourly positions in the State of
12 California at any time during the period from February 26, 2017 to the date of Preliminary Approval.

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

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

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

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

27 7. The rights of any potential dissenters to the proposed Settlement are adequately protected
28 in that they may exclude themselves from the Settlement and proceed with any alleged claims they may

1 have against Defendants, or they may object to the Settlement and appear before this Court. However, to
2 do so they must follow the procedures outlined in the Settlement Agreement and Notice of Class Action
3 Settlement.

4 8. The Court approves, as to form and content, the revised Notice of Class Action Settlement
5 (“Class Notice”), attached as Exhibit A.

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

12 10. The Court appoints Plaintiff Martin Asencio Rojas as the representative for the Settlement
13 Class conditionally certified by this Order.

14 11. The Court appoints Capstone Law APC and Daily Aljian LLP as Class Counsel. The
15 Court finds that counsel have demonstrable experience litigating, certifying, and settling class actions, and
16 will serve as adequate counsel for the Class conditionally certified by this Order.

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

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

Date	Event
May 12, 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.
May 22, 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.
July 6, 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.
July 28, 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.
August 23, 2023 at 1:30 p.m.	Hearing on Motion for Final Approval of Class Action Settlement and Motion for Attorneys’ Fees, Costs, and a Class Representative Enhancement Payment.

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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: April 13, 2023



Hon. Theodore C. Zayner
Santa Clara County Superior Court Judge