

ENDORSED  
FILED  
ALAMEDA COUNTY

JAN 28 2020

CLERK OF THE SUPERIOR COURT  
By JHALISA CASTANEDA  
Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

KAMADA MCDANIEL individually and  
on behalf of other members of the general  
public similarly situated,

Plaintiff,

v.

ROYAL CUP, INC., a California  
Corporation; and DOES 1 through 100,  
inclusive,

Defendants.

Case No.: RG19001661

Honorable Brad Seligman  
Department 23

CLASS ACTION

~~[PROPOSED]~~ ORDER GRANTING  
MOTION FOR PRELIMINARY  
APPROVAL OF THE CLASS AND PAGA  
ACTION SETTLEMENT

[Reservation ID: R-2136978]

Hearing Date: January 28, 2020  
Hearing Time: 3:00 p.m.  
Hearing Place: Dept. 23

Complaint Filed: January 8, 2019  
Jury Trial: None Set

ORDER

Having considered the Motion and the points and authorities and declarations submitted in support of the Motion, including the Joint Stipulation of Class and PAGA Action Settlement and Release ("Settlement Agreement" or "Settlement") and exhibit (attached hereto), 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 definitions in the Settlement Agreement, and all terms defined therein shall have the same meaning as set forth in the Settlement Agreement.

2. The Settlement Class shall be provisionally certified for settlement purposes only and shall consist of All current and former California-based salaried or exempt Territory Managers and/or similarly situated positions that worked for Defendant in the State of California at any time between January 7, 2015 and 1/8, 2020.

3. It appears that 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. The Court further finds it appears that Plaintiff adequately investigated and researched his claims and Defendant's defenses, and that he was able to reasonably evaluate the strengths and weaknesses of his claims, and the ability to certify them. It appears 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.

4. It appears 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 Actions.

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

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

9           7.     The Court approves, as to form and content, the proposed Notice of Class and  
10 PAGA Action Settlement (“Class Notice”) attached hereto as **Exhibit 1**.

11          8.     The Court approves, as to form and content, the Request for Exclusion (“Opt-out  
12 Form) attached hereto as **Exhibit 2**.

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

19          10.    Plaintiff Kamada McDaniel is a suitable class representative and is appointed  
20 Class Representative for the Settlement Class conditionally certified by this Order.

21          11.    The Court appoints Justice Law Corporation as Class Counsel. The Court finds  
22 that counsel have demonstrable experience litigating, certifying, and settling class actions, and  
23 will serve as adequate counsel for the Class conditionally certified by this Order.

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

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

Date	Event
February 11, 2020 (or within fourteen (14) calendar days of the entry of the Preliminary Approval Order)	Last day for Defendant to produce the Class List and Data to the Settlement Administrator.
February 25, 2020 (or within fourteen (14) calendar days of receipt of the Class List and Data)	Last day for the Settlement Administrator to mail Class Notice to all Class Members.
Date	Event
April 27, 2020	Last day for Class Members to submit Request for Exclusion or Notices of Objection to the Settlement unless extended due to re-mailing of the Class Notice.
May 11, 2020	Last day for Plaintiff to file the Motion for Attorneys' Fees, Costs, and Class Representative Enhancement Payment.
May 11, 2020	Last day for Plaintiff to file the Motion for Final Approval of Class Action Settlement.
May 11, 2020	Last day for the Parties to file their respective responses to any objections to the Settlement that were filed by the Class Members on or before the objection deadline.
June 2, 2020 at <u>3</u> p.m.	Hearing on Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees, Costs, and Class Representative Enhancement Payment.

The Court expressly reserves the right to continue or adjourn the final approval hearing from time to time without further notice to the Class Members.

**IT IS SO ORDERED.**

Dated: 1/28/20

  
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Hon. Brad Seligman  
Judge of the California Superior Court