

Electronically Received 06/24/2021 05:46 PM

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5 Attorneys for Plaintiff
6 Juan Carlos Rios on Behalf of All
7 Aggrieved Employees

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10 JUAN CARLOS RIOS, an Individual on
11 behalf of all aggrieved employees,

12
13 Plaintiffs,

14
15 vs.

16 CLASSIC DISTRIBUTING & BEVERAGE
17 GROUP, INC.; and DOES 1 through 100,
18 inclusive,

19
20 Defendants.

CASE NO.: 20PSCV00012

*Assigned for all purposes to:
The Hon. Peter A. Hernandez, Dept. O*

**~~[PROPOSED]~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: July 26, 2021
Time: 9:30 a.m.
Location: Dept. O

Action Filed: January 8, 2020

FILED
Superior Court of California
County of Los Angeles

08/26/2021

Sherril R. Carter, Executive Officer / Clerk of Court

By: J. Alfaro Deputy

1 Plaintiff Juan Carlos Rios (hereinafter "Plaintiff") motion for an Order Preliminarily
2 Approving a Class Action Settlement and setting a Final Approval Settlement Fairness Hearing was
3 heard by the court on July 26, 2021. The Court has considered the Joint Stipulation of Settlement
4 (hereinafter the "Stipulation") and all other papers filed in this action.

5 **NOW THEREFORE, IT IS HEREBY ORDERED:**

6 1. All defined terms contained herein shall have the same meanings as set forth in the
7 Stipulation.

8 2. The Class Representative and Defendant, through their counsel of record in the
9 Litigation, have reached an agreement to settle all claims in the Litigation on behalf of the Class as a
10 whole.

11 3. The Court hereby conditionally certifies the following Class for settlement purposes
12 only: All non-exempt current or former employees of Defendant who worked within the State of
13 California from four (4) years prior to the date that preliminary approval is granted by the Court.

14 4. Should for whatever reason the Stipulation and Judgment not become Final, the fact
15 that the parties were willing to stipulate to certification of a class as part of the Stipulation shall have
16 no bearing on or be admissible in connection with the issue of whether a class should be certified in
17 a non-settlement context.

18 5. The Court appoints and designates: (a) Plaintiff Juan Carlos Rios as the Class
19 Representative and (b) Barkhordarian Law Firm PLC, as Class Counsel for the Class. Class Counsel
20 is authorized to act on behalf of the Class with respect to all acts or consents required by, or which
21 may be given, pursuant to the Stipulation, and such other acts reasonably necessary to finalize the
22 Stipulation and its terms. Any Class Member may enter an appearance through his or her own counsel
23 at such Class Member's own expense. Any Class Member who does not enter an appearance or
24 appear on his or her own behalf will be represented by Class Counsel.

25 6. The Court hereby approves the terms and conditions provided for in the Stipulation.

26 7. The Court hereby preliminarily approves the Stipulation and the Gross Settlement
27 Sum in the amount of \$250,000.00, which is to be distributed as follows: Out of the Gross Settlement
28 Sum: (a) \$5,000.00 is to be paid to the Class Representative for his services to the Class; (b) a total

1 of up to \$123,934.82 shall be paid to Class Counsel for attorneys' fees and up to \$10,000.00 shall be
2 paid to Class Counsel as reimbursement of actual costs incurred; and (c) the Claims Administrator
3 shall be paid for its fees and costs relating to the claims administration process which is expected to
4 not exceed \$10,000.00; and (d) \$30,000 for settlement of the claim for penalties pursuant to the
5 Private Attorneys' General Act ("PAGA"). The Court further hereby preliminarily approves the
6 formulas provided in the Stipulation regarding Individual Settlement Amounts.

7 8. The Court finds that on a preliminary basis the Stipulation appears to be within the
8 range of reasonableness of a settlement, including the Class Representative service award, Class
9 Counsel fees and costs, the claims administration fees and the allocation of individual settlement
10 payments, that could ultimately be given final approval by this Court. It appears to the Court on a
11 preliminary basis that the settlement is fair, adequate, and reasonable as to all potential Class
12 Members when balanced against the probable outcome of further litigation relating to liability and
13 damages issues. It also appears that extensive and costly investigation, research, and court
14 proceedings have been conducted so that counsel for the Settling Parties are able to reasonably
15 evaluate their respective positions. It appears to the Court that settlement at this time will avoid
16 substantial additional costs by all Settling Parties, as well as avoid the delay and risks that would be
17 presented by the further prosecution of the Litigation. It also appears that settlement has been reached
18 as a result of intensive, serious, and non-collusive, arms-length negotiations.

19 9. A hearing (the "Settlement Fairness Hearing") shall be held before this Court on
20 12/14/2021 at 9:30 a.m. in Department O of the above listed Superior Court of the State of
21 California, County of Los Angeles to determine all necessary matters concerning the Stipulation,
22 including whether the proposed settlement of the action on the terms and conditions provided for in
23 the Stipulation is fair, adequate, and reasonable and should be finally approved by the Court and
24 whether a Judgment, as provided in the Stipulation, should be entered herein. At this same time, a
25 hearing on Class Counsel's motion for attorneys' fees and reimbursement of litigation costs and the
26 Class Representative's service award shall also be held.

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1 10. The Court hereby approves, as to form and content, the Notice of Proposed Class
2 Action Settlement to be sent to Class Members, which is attached as an exhibit to the Stipulation.
3 The Court finds that distribution of the Class Notice to Class Members substantially in the manner
4 and form set forth in the Stipulation and this Order meet the requirements of due process and shall
5 constitute due and sufficient notice to all parties entitled thereto.

6 11. The Court appoints and designates CPT Group, Inc. as the Claims Administrator. The
7 Court hereby directs the Claims Administrator to provide the approved Notice of Proposed Class
8 Action Settlement to Class Members using the procedures set forth in the Stipulation.

9 12. Any Class Member may choose to opt out of and be excluded from the settlement as
10 provided in the Stipulation and Class Notice and by following the instructions for requesting
11 exclusion. Any person who timely and properly opts out of the settlement will not be bound by the
12 Stipulation or have any right to object, appeal, or comment thereon. Any Opt Out request must be
13 signed by each such Class Member opting out and must otherwise comply with the requirements
14 delineated in the Class Notice and Opt Out Form. Class Members who have not requested exclusion
15 by submitting a valid and timely Opt Out Form, by the Opt Out Deadline, shall be bound by all
16 determinations of the Court, the Stipulation, and Judgment.

17 13. Any Class Member may object to the Stipulation or express his or her views regarding
18 the Stipulation and may present evidence and file briefs or other papers that may be proper and
19 relevant to the issues to be heard and determined by the Court as provided in the Class Notice. No
20 Class Member, however, shall be heard or entitled to object, and no papers or briefs submitted by any
21 such person shall be received or considered by the Court, unless on or before the Objection Deadline
22 the Class Member or Person or his or her counsel properly filed their objections with the Court and
23 served their objections on Class Counsel and Defense Counsel as provided in the Stipulation and
24 Class Notice. Any Class Member who does not make his or her objection in the manner provided for
25 in the Stipulation and Class Notice, including by the Objection Deadline, shall be deemed to have
26 waived such objection and shall forever be foreclosed from making any objection to the Stipulation.

27 14. Defendant must exercise any right it may have to terminate the Stipulation by no later
28 than thirty (30) calendar days after the Opt Out Deadline.

1 15. The Motion for Final Approval shall be filed by Class Representative no later than ten
2 (10) court days before the Settlement Fairness Hearing.

3 16. In the event that the Effective Date occurs, all Settlement Class Members and Class
4 Representative will be deemed to have forever released and discharged the Released Claims
5 applicable to them.

6 17. The Court reserves the right to adjourn or continue the date of the Settlement Fairness
7 Hearing and all dates provided for in the Stipulation without further notice to the Class and retains
8 jurisdiction to consider all further applications arising out of or connected with the Stipulation.

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10 **IT IS SO ORDERED.**

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12 DATED: 08/26/2021



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PAH

Peter A. Hernandez / Judge
The Honorable Peter A. Hernandez
Judge of the Superior Court

<p align="center">SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Pomona Courthouse South 400 Civic Center Plaza, Pomona, CA 91766</p>	<p align="center">FILED Superior Court of California County of Los Angeles 08/26/2021</p>
<p>PLAINTIFF/PETITIONER: JUAN CARLOS RIOS</p>	<p align="center">Sherri R. Carter, Executive Officer / Clerk of Court By: <u>J. Alfaro</u> Deputy</p>
<p>DEFENDANT/RESPONDENT: CLASSIC DISTRIBUTING & BEVERAGE GROUP, INC.</p>	
<p align="center">CERTIFICATE OF MAILING</p>	<p>CASE NUMBER: 20PSCV00012</p>

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Minute Order (Hearing on Motion for Preliminary Approval of Settlement;) of 08/26/2021 upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Pomona, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Steven Wayne Brennan
St John Wallace Brennan & Folan LLP
2377 Crenshaw Blvd., Suite 151
Torrance, CA 90501

Gregory P. Wong ✓
Barkhordarian Law Firm, PLC
6047 Bristol Parkway, Second Floor
Culver City, CA 90230

Dated: 08/26/2021

Sherri R. Carter, Executive Officer / Clerk of Court

By: J. Alfaro
Deputy Clerk

CERTIFICATE OF MAILING

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

East District, Pomona Courthouse South, Department O

20PSCV00012

**JUAN CARLOS RIOS vs CLASSIC DISTRIBUTING &
BEVERAGE GROUP, INC.**

August 26, 2021

9:30 AM

Judge: Honorable Peter A. Hernandez

Judicial Assistant: J. Alfaro

Courtroom Assistant: M. Garza

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): Gregory P. Wong (Telephonic) Appearing by John Litwin

For Defendant(s): Steven Wayne Brennan (Telephonic)

NATURE OF PROCEEDINGS: Hearing on Motion for Preliminary Approval of Settlement;

The matter is called for hearing.

Attorneys John Litwin and Steven Brennan each contact the court to submit on the Court's Tentative Ruling.

The Court adopts its Tentative Ruling and PLAINTIFF JUAN CARLOS RIOS' MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT IS GRANTED.

The Court's findings are reflected in the Court's Tentative Ruling, which is filed this date and incorporated into the court file.

The Motion re: For Preliminary Approval Of Class Action Settlement filed by JUAN CARLOS RIOS on 06/24/2021 is Granted.

Hearing on Motion for Final Approval of Settlement and Fairness Hearing is scheduled for 12/14/2021 at 09:30 AM in Department O at Pomona Courthouse South.

Certificate of Mailing is attached.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

EAST DISTRICT-POMONA (SOUTH) COURTHOUSE
400 CIVIC CENTER PLAZA, ROOM 101
POMONA, CALIFORNIA 91766-3299

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