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6 Attorneys for Plaintiff

Electronically Filed  
9/20/2022  
Superior Court of California  
County of Stanislaus  
Clerk of the Court  
By: Yukari Williams, Deputy

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF STANISLAUS**  
10

11 ANGELINA VASQUEZ, on behalf of herself  
12 and all others similarly situated,

13 Plaintiff,

14 v.

15 CP RETAIL, LLC, a California limited liability  
16 corporation; WINMARK CORPORATION, a  
17 Minnesota corporation; and DOES 1 through  
100, inclusive,

18 Defendants.  
19  
20  
21

Case No.: 21-CV-000723

Assigned for all purposes to:  
Hon. Sonny S. Sandhu  
Dept. 24

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

Preliminary Approval Hearing:

Date: September 7, 2022  
Time: 8:30 a.m.  
Dept.: 24

Complaint Filed: February 11, 2021  
Jury Trial Date: None Set

1           **WHEREAS**, this matter came on for hearing on September 7, 2022 at 8:30 a.m., before  
2 the Honorable Sonny S. Sandhu in Department 24 of the Superior Court of California for the  
3 County of Stanislaus, located at 801 10<sup>th</sup> Street, Modesto, California 95354, upon Plaintiff  
4 Angelina Vasquez’s (“Plaintiff”) Motion for Preliminary Approval (the “Motion”) of the proposed  
5 Stipulation of Class and Representative Action Settlement (“Settlement” or “Settlement  
6 Agreement”) a copy of which is attached as Exhibit “1” to the Declaration of Jennifer L. Connor  
7 filed concurrently with the Motion, and having considered the Motion, the memorandum of points  
8 and authorities in support thereof, and supporting declarations and exhibits filed therewith, and  
9 good cause appearing; and

10           **WHEREAS**, defined terms contained herein have the same meanings as set forth in the  
11 Settlement;

12           **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:**

13           1.       The Court preliminarily and conditionally certifies the following Class for purposes  
14 of settlement, which is comprised of: “All current and former non-exempt, hourly employees who  
15 are or were employed by CP Retail, LLC stores in California during the Class.” (Settlement  
16 Agreement ¶ 4.) Further, the “Class Period” is defined as the time period beginning on February  
17 11, 2017 and ending on January 16, 2022. (Settlement Agreement ¶ 7.) Settlement Class Members  
18 include all those who do not properly and timely opt out/request exclusion from the Settlement.

19           2.       The Court preliminarily approves the Total Settlement Amount of \$425,000.

20           3.       The Court preliminarily approves named Plaintiff Angelina Vasquez as Class  
21 Representative for the purposes of settlement.

22           4.       The Court preliminarily appoints CounselOne, P.C. as Class Counsel for purposes  
23 of settlement.

24           5.       The Court preliminarily approves the application for payment to Class Counsel of  
25 reasonable attorneys’ fees of up to 40% of the Total Settlement Amount (*i.e.*, \$170,000) and  
26 reasonable costs in an amount not to exceed \$15,000.

27           6.       The Court preliminarily approves the payment of an enhancement award in the  
28 amount of \$7,500 to named Plaintiff/Class Representative;

1           7.       The Court preliminarily approves the settlement administration services to be  
2 provided by CPT Group, Inc., and the costs of distribution of notice and settlement administration  
3 estimated at \$15,000.

4           8.       The Court preliminarily approves a PAGA Payment of \$30,000, of which 75% (or,  
5 \$22,500) will be allocated to the LWDA for civil penalties pursuant to statute, and 25% (or, \$7,500)  
6 will be allocated to all PAGA Group Members/aggrieved employees during the PAGA Period,  
7 which is October 13, 2019 through January 16, 2022.

8           9.       The Court preliminarily approves as to form and content the Notice of Proposed  
9 Class Action and PAGA Settlement and Hearing Date for Court Approval (“Class Notice”), a copy  
10 of which is attached to the Settlement Agreement (Exhibit 1 to the Declaration of Jennifer L.  
11 Connor in Support of the Motion for Preliminary Approval) as internal Exhibit “1”, to be sent to  
12 Class Members and provided that it include the final fairness hearing and other Court established  
13 deadlines listed herein.

14           10.      The Court directs Defendant to provide to the Settlement Administrator, by no later  
15 than September 24, 2022, the following information about each Class Member (“Class List”): (1)  
16 Class Member’s full name; (2) last known mailing address; (3) last known telephone number; (4)  
17 social security number; and (5) start and end dates of employment; (5) respective individual  
18 number of Workweeks during the Class Period and PAGA Period (if applicable); and (6) total  
19 number of compensable Workweeks for all Class Members during the Class Period.

20           11.      The Court further directs that, by no later than October 14, 2022, the Settlement  
21 Administrator shall mail the Class Notice to all Class Members via regular First-Class U.S. Mail.

22           12.      The Court further directs that any undeliverable Class Notices shall be remailed by  
23 the Settlement Administrator by no later than November 4, 2022.

24           13.      The Court orders that any and all submissions of Opt-Outs/Requests for Exclusion,  
25 Objections, Workweek disputes, and/or notices of intent to appear at the Final Approval Hearing  
26 be postmarked, and, where applicable, filed with the Court and served on counsel for the Parties,  
27 by no later than November 30, 2022.

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14. The Court directs that Class Counsel shall file a motion for final approval of the Settlement, and submit a due diligence declaration from the Settlement Administrator, by no later than January 28, 2023.

15. A Final Approval Hearing on the question of whether the proposed class settlement should be finally approved as fair, reasonable, and adequate as to the members of the proposed class is hereby scheduled for February 28, 2023 at 8:30 a.m. in Department 24.

**IT IS SO ORDERED.**

Dated: 9/19/2022

  
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Hon. Sonny S. Sandhu  
Judge of the Superior Court

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**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 9301 Wilshire Boulevard, Suite 650, Beverly Hills, CA 90210.

On September 14, 2022, I caused to be served the following document(s) to the address(es) and by the method of service described below:

**AMENDED [PROPOSED] ORDER GRANTING PLAINTIFF’S MOTION FOR PRELIMINARY APPROVAL OF CLASS AND REPRESENTATIVE ACTION SETTLEMENT**

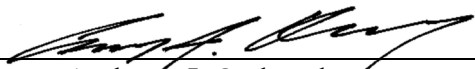
Jennifer E. Duggan  
**DUGGAN MCHUGH LAW CORPORATION**  
641 Fulton Ave, Suite 100  
Sacramento, CA 95825  
Email: jennifer@dugganmchugh.com

*Attorneys for Defendants*

(BY E-SERVICE) I delivered to LEGAL DOCUMENT SERVER, an e-filing and e-service provider with the Superior Court of California for the County of Stanislaus, the above-described document(s) to be filed and electronically served through the Superior Court’s e-filing system on the above registered participants on this date.

I declare under penalty of perjury that the above is true and correct.

Executed on September 14, 2022 at Beverly Hills, California.

  
\_\_\_\_\_  
Anthony J. Orshansky