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**FILED**  
Superior Court of California  
County of Los Angeles

MAY 03 2021

Sherri R. Carter, Executive Officer/Clerk of Court.  
By Dejane Wortham, Deputy  
Dejane Wortham

6 Attorneys for Plaintiff Gabriela Herrera,  
on behalf of herself and all others similarly situated  
7

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

10 GABRIELA HERRERA, an individual, on  
11 behalf of herself and others similarly situated,

Case No.: 19STCV38235

12 Plaintiff,

CLASS ACTION

13 vs.

Assigned for All Purposes To:  
Hon. Ann I. Jones  
Dept.: 11

14 POMONA QUALITY FOAM, LLC, a limited  
15 liability company, and DOES 1 through 50,  
inclusive,

**[PROPOSED] ORDER GRANTING  
MOTION FOR AN ORDER (1)  
PRELIMINARILY APPROVING THE  
CLASS ACTION SETTLEMENT, (2)  
APPROVING NOTICE OF CLASS ACTION  
SETTLEMENT, AND (3) SETTING  
HEARING FOR FINAL APPROVAL**

16 Defendants.  
17  
18

*[Filed concurrently with Plaintiff's Notice of  
Motion and Motion; Memorandum of Points and  
Authorities; and Declaration of David Yeremian,  
Declaration of Julie Green]*

Date: April 26, 2021  
Time: 10:00 a.m.

Complaint Filed: October 25, 2019  
First Amended: February 13, 2020  
Second Amended: November 5, 2020  
Trial Date: None Set

1 Plaintiff Gabriella Herrera (“Plaintiff”) filed a Motion (the “Motion”) for an Order (1)  
2 preliminarily approving the Joint Stipulation of Class Action Settlement reached between the  
3 Plaintiff and Defendant Pomona Quality Foam, LLC (“Defendant”) (Plaintiff and Defendant are  
4 collectively referred to herein as the “Parties”); (2) approving the Notice of Class Action  
5 Settlement, and (3) setting the final approval hearing. The hearing on the Motion was set for  
6 August 17, 2021 at 10:00 a.m., at 312 N. Spring Street, Los Angeles, CA 90012, Department 11-  
7 SSC. Defendant does not oppose the Motion.

8 The Court, having considered Plaintiff’s Motion, the Memorandum of Points and  
9 Authorities in support thereof and supporting evidence and declarations, and Defendant’s  
10 agreement with and/or non-opposition to the Motion, hereby ORDERS, ADJUDGES, AND  
11 DECREES as follows:

12 1. The Preliminary Approval Motion is GRANTED and the Parties’ Joint Stipulation  
13 of Class Action Settlement (the “Stipulation”) attached to the Declaration of David Yeremian is  
14 preliminarily approved.

15 2. This Order incorporates by reference the definitions in the Stipulation and all  
16 terms defined therein shall have the same meaning in this Order.

17 3. The class is preliminarily certified for settlement purposes only. The class is  
18 defined as: all current and former non-exempt employees of Defendant who worked in California  
19 from October 25, 2015 through December 3, 2020. Should the settlement not become final, this  
20 Order shall be rendered null and void and shall be vacated, and the fact that the Parties were  
21 willing to stipulate to class certification as part of the settlement shall have no bearing on, nor be  
22 admissible in connection with, the issue of whether a class should be certified in a non-settlement  
23 context. Should the settlement not become final, the Parties shall revert to their respective  
24 positions prior to notifying the Court of the settlement of the action.

25 4. The class action settlement contemplated by the Stipulation is preliminarily  
26 approved based upon the terms set forth in the Stipulation. The class action settlement appears to  
27 be fair, adequate, and reasonable to the Class. The class action settlement contemplated by the  
28 Stipulation falls within the range of reasonableness that could ultimately be granted final approval



1 by the Court. The preliminary approval of the class action settlement includes the approval for  
2 purposes of the settlement of David Yeremian of David Yeremian & Associates, Inc., as Class  
3 Counsel; Gabriella Herrera as Class Representative, and CPT Group as the Claims Administrator.  
4 Class Counsel is authorized to act on behalf of the class members with respect to all acts or  
5 consents required by or which may be given pursuant to the Stipulation and the class action  
6 settlement contemplated by the Stipulation, and such other acts reasonably necessary to  
7 consummate the settlement. The Claims Administrator is authorized to perform such acts as set  
8 forth in this Order and the Stipulation.

9           5.       The Court approves the Parties' allocation of \$5,000.00 to settle claims under the  
10 Labor Code Private Attorneys General Act of 2004 ("PAGA"). Pursuant to Labor Code § 2699(i),  
11 75% of this amount, or \$3,750.00, shall be paid to the California Labor & Workforce  
12 Development agency and the remaining 25%, or \$1,250.00, shall be paid to Class Members in the  
13 manner set forth in the Stipulation.

14           6.       The Class Notice (or the "Notice") attached as Exhibit A to the Joint Stipulation,<sup>1</sup>  
15 advising the Class of material terms and provisions of this settlement, the procedure for approval  
16 thereof, the courts current COVID-19 social distancing precautions, and their rights with respect  
17 thereto are approved as to form and content. The Court approves the procedure set forth in the  
18 Stipulation for Class Members to participate in, opt out of, and object to the Settlement as set forth  
19 in the Notice.

20           7.       The Notice shall be sent by first class mail to the Class in accordance with the  
21 schedule set forth below. The dates selected for the mailing and distribution of the Notice Packet  
22 as set forth below meet the requirements of due process and provide the best notice practicable  
23 under the circumstances and shall constitute due and sufficient notice to all persons entitled  
24 thereto:

25       ///

26 \_\_\_\_\_  
27 <sup>1</sup> Only the English version of the Class Notice is being attached to the Stipulation of Class Action Settlement. Once  
28 the above entitled case receives Preliminary Approval then the Claim Administrator, CPT Group, will translate the  
Class Notice also into Spanish.

1 a. Deadline for Defendant to provide to Claims Administrator CPT Group the  
2 class list and related information in electronic form: 10 calendar days of the Order granting  
3 preliminary approval being signed by the court.

4 b. Deadline for Claims Administrator to mail the Class Notice by first-class  
5 regular U.S. mail: 10 business days after receiving the class list and related information.

6 c. Deadline for class members to mail objections or requests for exclusion to  
7 the Claims Administrator: 45 calendar days after the mailing of the Class Notice.

8 d. Deadline for Class Counsel to file a Motion for Final Approval and a  
9 Motion for Attorneys' Fees: July 22, 2021.

10 e. A Final Approval Hearing on the question of whether the proposed  
11 settlement, attorneys' fees and costs to Class Counsel, and the class representative enhancement  
12 should be approved as fair, reasonable, and adequate as to the Settlement Class: August 17, 2021  
13 at 10:00 a.m.

14 8. The Stipulation shall not be construed as an admission or evidence of either  
15 liability or the appropriateness of class certification in the non-settlement context, as more  
16 specifically set forth in the Stipulation. Entry of this Order is without prejudice to the rights of  
17 Defendant to oppose certification of a class in this action should the proposed settlement not be  
18 granted final approval.

19 9. All further proceedings in this action shall be stayed except such proceedings  
20 necessary to review, approve, and implement this Settlement.

21  
22 **IT IS SO ORDERED.**

23  
24 **DATED:** 5-3-21

25   
26 \_\_\_\_\_  
27 HONORABLE ANN I. JONES  
28 JUDGE OF THE SUPERIOR COURT



1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

3 I am employed in the aforesaid county, State of California; I am over the age of 18 years  
4 and not a party to the within action; my business address is 535 N. Brand, Blvd. Suite 705,  
Glendale CA 91203.

5 On April 29, 2021, I served the foregoing: **[PROPOSED] ORDER GRANTING**  
6 **MOTION FOR AN ORDER (1) PRELIMINARILY APPROVING THE CLASS ACTION**  
7 **SETTLEMENT, (2) APPROVING NOTICE OF CLASS ACTION SETTLEMENT, AND**  
8 **(3) SETTING HEARING FOR FINAL APPROVAL** on Interested Parties in this action by  
placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

8 Alfred J. Landegger  
9 Marie D. Davis  
10 Patrick E. White III  
11 Evelyn Zarraga  
12 **LANDEGGER RIVAS VERANO & DAVIS, ALC**  
13 15760 Ventura Boulevard, Suite 1200  
14 Encino, California 91436

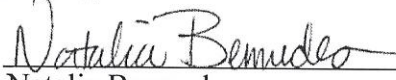
12  **(BY MAIL)** I placed such envelope with postage thereon fully paid in the United States  
13 mail at Glendale, California. I am "readily familiar" with this firm's practice of collecting and  
14 processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day  
15 in the ordinary course of business. I am aware that on motion of party served, service is  
16 presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of  
17 deposit for mailing in affidavit.

16  **(COURTESY COPY BY ELECTRONIC TRANSMISSION)** by use of email by  
scanning the documents and any and all documents and emailing them to email addresses above.

17  **(BY ELECTRONIC SERVICE VIA CASE ANYWHERE)** Based on a court order, I  
18 caused the above-entitled document(s) to be served through Case Anywhere at  
19 www.caseanywhere.com addressed to all parties appearing on the electronic service list for the  
20 above-entitled case. The service transmission was reported as complete and a copy of the Case  
Anywhere Filing Receipt Page/Confirmation will be filed, deposited, or maintained with the  
original document(s) in this office.  
is attached hereto.

21  **(STATE)** I certify (or declare) under penalty of perjury under the laws of the State of  
22 California that the foregoing is true and correct.

23 Executed on April 29, 2021, at Glendale, California.

24   
25 Natalia Bermudes  
26  
27  
28