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13 Attorneys for Plaintiff and the Class

14 SUPERIOR COURT OF CALIFORNIA
15 COUNTY OF STANISLAUS

16 JORGE LEYVA, individually and on behalf of
17 all others similarly situated,

18 PLAINTIFF,

19 v.

20 FRESHPOINT CENTRAL CALIFORNIA,
21 INC., a Delaware corporation; and DOES 1
22 through 50, inclusive,
23 DEFENDANTS.

Case No. CV-20-002633

~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT

Date: February 15, 2023
Time: 8:30 a.m.
Dept.: 21
Judge: Hon. John R. Mayne

Complaint Filed: June 12, 2020
Trial Date: Not Set

24 Plaintiff Jorge Leyva's Motion for Preliminary Approval of Class Action and PAGA
25 Settlement ("Motion") came before this Court on February 15, 2023, in Department 21 before the
26 Honorable John R. Mayne, presiding. The Court having considered the papers submitted in support
27 of the Motion and good cause appearing therefor,

28 IT IS HEREBY ORDERED:

1. The Court grants preliminary approval of the Settlement and the Settlement Class based upon the terms set forth in the Joint Stipulation of Class Action and PAGA Settlement and Release Between Plaintiff and Defendant ("Stipulation of Settlement") filed with the Motion. All terms used herein shall have the same meaning as defined in the Stipulation of Settlement.

FILED

FEB 21 2023

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY

DEPUTY

1 2. The settlement set forth in the Stipulation of Settlement appears to be fair, adequate
2 and reasonable to the Class. The Settlement falls within the range of reasonableness and appears
3 to be presumptively valid, subject only to any objections that may be raised at the final fairness
4 hearing and final approval by this Court.

5 3. A final fairness hearing on the question of whether the proposed Settlement,
6 attorneys' fees to Class Counsel, costs of administration, and Class Representative's Enhancement
7 Award should be finally approved as fair, reasonable and adequate as to the members of the Class
8 is scheduled in Department 21 on the date and time set forth in the Implementation Schedule in
9 Paragraph 10 below.

10 4. This Court approves, as to form and content, the Notice of Proposed Class Action
11 Settlement and Hearing Date for Final Court Approval of Settlement ("Class Notice") (Exhibit 1).
12 The Court approves the procedure for Class Members to opt out of and to object to the Settlement
13 as set forth in the Stipulation of Settlement and Class Notice.

14 5. The Court directs the mailing of the Class Notice by first-class mail to the Class
15 Members in accordance with the Implementation Schedule set forth in Paragraph 10 below. The
16 Court finds the dates selected for the mailing and distribution of the Class Notice, as set forth in the
17 Implementation Schedule, meet the requirements of due process and provide the best notice
18 practicable under the circumstances and shall constitute due and sufficient notice to all persons
19 entitled thereto.

20 6. It is ordered that the Settlement Class is preliminarily certified for settlement
21 purposes only, which is defined as: all persons who are employed or have been employed by
22 Defendant in California as non-exempt employees who worked overtime and earned non-
23 discretionary incentive pay from March 29, 2016 through February 15, 2023.

24 7. The Court confirms Plaintiff Jorge Leyva as Class Representative, and William L.
25 Marder of Polaris Law Group LLP and Dennis S. Hyun of Hyun Legal APC as Class Counsel.

26 8. The Court confirms the appointment of ILYM Group, Inc. as the Settlement
27 Administrator.

28 9. To facilitate administration of the Settlement pending final approval, the Court

1 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any other cases, claims,
 2 suits or administrative proceedings (including filing claims with the Division of Labor Standards
 3 Enforcement of the California Department of Industrial Relations) regarding the Released Claims
 4 unless and until such Class Members have filed valid Requests for Exclusion with the Settlement
 5 Administrator and the time for filing Requests for Exclusion with the Settlement Administrator has
 6 elapsed.

7 10. The Court orders the following Implementation Schedule for further proceedings:

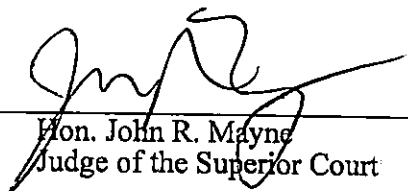
8 a.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator	20 calendar days after Order Granting Preliminary Approval <i>March 8, 2023</i>
9 b.	Deadline for Settlement Administrator to Mail Class Notice to Class Members	30 calendar days after Order Granting Preliminary Approval <i>March 16, 2023</i>
10 c.	Deadline for Class Members to Postmark Requests for Exclusion	45 calendar days after mailing of Class Notice April 25 <i>May 3, 2023</i>
11 d.	Deadline for Receipt by Court, Settlement Administrator, and Counsel of any Objections to Settlement	45 calendar days after mailing of Class Notice <i>May 3, 2023</i>
12 e.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees and Costs, and Enhancement Awards	16 Court days before Final Approval Hearing <i>June 7, 2023</i>
13 f.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	16 Court days before Final Approval Hearing <i>June 2, 2023</i>
14 h.	Final Fairness Hearing and Final Approval	Date: June 30, 2023 Time: 8:30 a.m. Department: 21
15 i.	Deadline for Defendant to fund settlement	30 calendar days after Effective Date
16 j.	Deadline for Settlement Administrator to mail Settlement Awards and Enhancement Award, and to wire transfer Attorneys' Fees and Costs (if Settlement is Effective)	45 calendar days after Effective Date

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k.	Deadline for Class Members to cash Settlement checks (if Settlement is Effective)	180 calendar days after Settlement Administrator mails Settlement Awards and Enhancement Awards
l.	Deadline for Settlement Administrator to distribute uncashed Settlement checks amount to <i>cy pres</i> beneficiaries (if Settlement is Effective)	Within 14 calendar days after deadline for class members to cash Settlement checks
m.	Settlement Administrator to provide Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs, <i>cy pres</i> payment, and payment to LWDA (if Settlement is Effective) to Class Counsel, who will then file the Proof of Payment with the Court.	Within 21 calendar days after deadline for Settlement Administrator to pay any unclaimed residue from uncashed Settlement checks to <i>cy pres</i> beneficiary

IT IS HEREBY ORDERED.

Dated: 2/16/23, 2023



Hon. John R. Mayne
Judge of the Superior Court

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PROOF OF SERVICE

I, Brittany Reynolds, am employed by POLARIS LAW GROUP LLP, in the County of San Benito, California. I am over the age of 18 and not a party to the within action. My business address is 501 San Benito Street, Suite 200, Hollister, California 95023.

On this date I caused to be served the **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT** on the parties in this action, by placing copies of the same in envelopes, addressed as follows and delivered in the manner indicated:

Cary G. Palmer, Esq.
Evan D. Beecher, Esq.
Jackson Lewis, P.C.
400 Capitol Mall, Suite 1600
Sacramento, CA 95814
Cary.palmer@jacksonlewis.com
Evan.beecher@jacksonlewis.com

(By Mail) I caused each envelope, with postage prepaid to be placed in the United States mail at Hollister, California. I am readily familiar with the business practices of the firm regarding the collection and processing of correspondence for mailing with the United States Postal Service. Pursuant to such business practices, and in the ordinary course of business, all correspondence is deposited with the United States Postal Service on the same day it is placed for collection and mailing.

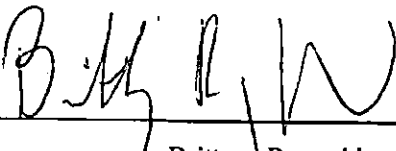
(By Courier) I delivered the envelopes to UPS who contracted to deliver the envelope to the addressee on the same day next day.

(By Hand) I delivered the envelope to addressee.

(By Telecopier) I also caused each document to be sent by telecopier to the fax numbers stated above. The transmissions were reported as complete and without error.

(By E-Mail) I caused each document to be send via e-mail to the e-mail stated above. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Hollister, CA on February 15, 2023.



Brittany Reynolds

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4891-2164-3581, v. 1

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