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16 individually and on behalf of all others similarly situated

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **FOR THE COUNTY OF ORANGE**

19 Maria Lopez, Marco Diaz Jimenez and Jesus  
20 Martinez Dominguez, individually and on  
21 behalf of all others similarly situated,

22 Plaintiffs,

23 v.

24 Harvest Fresh Market, a California  
25 corporation, and DOES 1-50,

26 Defendant.

Case No.: 30-2021-01234823-CU-OE-CXC  
Dept: CX104, Hon. William Claster

**~~PROPOSED~~ ORDER RO #89:**

- 27 (1) **GRANTING CONDITIONAL  
CERTIFICATION OF SETTLEMENT  
CLASS AND PRELIMINARY  
APPROVAL OF SETTLEMENT;**
- 28 (2) **APPROVING CLASS NOTICE AND  
RELATED MATERIALS;**
- (3) **APPOINTING SETTLEMENT  
ADMINISTRATOR; AND**
- (4) **SCHEDULING FINAL APPROVAL  
HEARING**

Date: July 28, 2023

Time: 9:00 a.m.

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE

AUG 04 2023

DAVID H. YAMASAKI, Clerk of the Court

BY:  DEPUTY

1           **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

2           The Motion for Preliminary Approval of a Class Action Settlement came before this Court, on  
3 July 28, 2023 in Department CX104 of the above court. The Court having considered the papers  
4 submitted in support of the application of the parties, HEREBY ORDERS THE FOLLOWING:

5           1.       The Court grants preliminary approval of the Settlement and the Settlement Class based  
6 upon the terms set forth in the Stipulation of Settlement and Release (“Settlement Agreement”) filed  
7 with the Declarations of Kevin Mahoney and Amir Seyedfarshi. All terms used herein shall have the  
8 same meaning as defined in the Settlement Agreement. The settlement set forth in the Settlement  
9 Agreement appears to be fair, adequate and reasonable to the Settlement Class.

10          2.       The Settlement, including the \$337,500.00 settlement amount, falls within the range of  
11 reasonableness and appears to be presumptively valid, pursuant to California Code of Civil Procedure  
12 § 382 and applicable law, subject only to any objections that may be raised at the final fairness hearing  
13 and final approval by this Court. The Court finds on a preliminary basis that: (1) the settlement amount  
14 is fair and reasonable to the class members when balanced against the probable outcome of further  
15 litigation relating to class certification, liability and damages issues, and potential appeals; (2)  
16 significant informal discovery, investigation, research, and litigation have been conducted such that  
17 counsel for the Parties at this time are able to reasonably evaluate their respective positions; (3)  
18 settlement at this time will avoid substantial costs, delay, and risks that would be presented by the  
19 further prosecution of the litigation; and (4) the proposed settlement has been reached as the result of  
20 intensive, serious, and non-collusive negotiations between the Parties with the assistance of a well-  
21 respected class action mediator. Accordingly, the Court preliminarily finds that the Settlement  
22 Agreement was entered into in good faith.

23          3.       A final fairness hearing on the question of whether the proposed Settlement, attorneys’  
24 fees and costs to Class Counsel, and the Class Representative’s Enhancement Awards should be finally  
25 approved as fair, reasonable and adequate as to the members of the Settlement Class is scheduled in  
26 Department CX104 on the date and time set forth in the implementation schedule in Paragraph 12  
27 below.  
28

1           4.     The Court provisionally certifies for settlement purposes only the following class (the  
2 “Settlement Class”): “All current and former hourly and/or non-exempt persons employed by  
3 Defendants in California during the Settlement Period.”

4           5.     The Settlement Period means the period from December 6, 2017 through April 30, 2023.

5           6.     The Court finds, for settlement purposes only, that the Settlement Class meets the  
6 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the Class  
7 Members are so numerous that joinder is impractical; (2) there are questions of law and fact that are  
8 common, or of general interest, to all Settlement Class Members, which predominate over individual  
9 issues; (3) Plaintiffs’ claims are typical of the claims of the Settlement Class Members; (4) Plaintiffs  
10 and Class Counsel will fairly and adequately protect the interests of the Settlement Class Members; and  
11 (5) a class action is superior to other available methods for the fair and efficient adjudication of the  
12 controversy.

13           7.     This Court approves, as to form and content, the Notice (“Class Notice”), in substantially  
14 the form attached to the Settlement Agreement as **Exhibit A**. The exclusion form is attached as **Exhibit**  
15 **B**. The Court approves the procedure for Class Members to participate in, to opt out of, and to object  
16 to, the Settlement as set forth in the Stipulation of Settlement.

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

22           9.     It is ordered that the Settlement Class is preliminarily certified for settlement purposes  
23 only.

24           10.    The Court confirms Plaintiffs Maria Lopez, Marco Diaz Jimenez and Jesus Martinez  
25 Dominguez as Class Representatives, and Amir Seyedfarshi of Employment Rights Law Group, APC,  
26 and Kevin Mahoney and Laura Theriault of Mahoney Law Group, APC as Class Counsel.

27           11.    The Court confirms Phoenix Settlement Administration Solutions as the Settlement  
28 Administrator.


          12.    The Court orders the following **Implementation Schedule** for further proceedings:

1		
2		
3	a.	Deadline for Defendant to Submit Class Member Information to Settlement Administrator
4		August 15, 2023
5	b.	Deadline for Settlement Administrator to Mail Notice to Class Members
6		August 18, 2023
7	c.	Deadline for Class Members to Object or Request to be Excluded from Settlement
8		September 17, 2023
9	f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement and Motion for Attorneys' Fees, Costs, and Enhancement Award
10		December 11, 20223
11	g.	<b>Final Approval and Fairness Hearing</b>
12		<b>January 5, 2024 at 9:00 am</b>
13		

14           13.    If any of the dates in this Implementation Schedule falls on a weekend, bank or court  
15 holiday, the time to act shall be extended to the next business day.

16                   **IT IS SO ORDERED.**

17  
18 Dated: 8-4-23

18   
19 \_\_\_\_\_  
HON. WILLIAM CLASTER