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8 similarly situated

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

13 JOSE BARRAGAIN, individually and on
14 behalf of all others similarly situated,

15 Plaintiff,

16 v.

17 PANDA RESTAURANT GROUP, INC., a
18 California corporation; and DOES 1 through
19 50, inclusive,

20 Defendants.

Case No.: BC680246

[Coordinated into case: JCCP4919]

CLASS ACTION

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

Assigned for all purposes to:
Hon. Carolyn B. Kuhl
Dept. 12 (Spring Street Courthouse)

Date: August 15, 2023
Time: 10:30 a.m.
Dept.: 12

Complaint Filed: October 18, 2017
Trial Date: Not Yet Set

FILED
Superior Court of California
County of Los Angeles

08/30/2023

David W. Slayton, Executive Officer / Clerk of Court

By: L. MGreené Deputy

1 The Court, having read and considered the papers filed in support of the motion for
2 preliminary approval of class settlement, the proposed class notice and other documents, having
3 considered the arguments of counsel, and good cause appearing therefore:

4 **IT IS HEREBY ORDERED:**

5 1. The Class Action and PAGA Settlement Agreement (“Settlement Agreement”)
6 entered into by and between Plaintiff JOSE BARRAGAIN (“Plaintiff”), individually and on
7 behalf of Class Members (defined below) and Defendant PANDA RESTAURANT GROUP,
8 INC., (“Defendant”), attached as Exhibit A to the Second Supplemental Declaration of George
9 B. Singer, is preliminarily approved as the terms of the Settlement Agreement are found to be
10 fair, adequate and reasonable.

11 2. The following class is conditionally certified for settlement purposes only: All
12 current and former nonexempt, hourly associates of Defendant, who did not agree to arbitration
13 or settle the released claims in this action whether individually or as a result of the class action
14 matter and who worked in a Panda Express restaurant in California at any time from October 18,
15 2014, through the date of Preliminary Approval (“Settlement Class Members.”)

16 3. Named Plaintiff JOSE BARRAGAIN is appointed as Class Representative. Kevin
17 Mahoney and George B. Singer of Mahoney Law Group, APC, are appointed as Class Counsel.

18 4. The Parties’ proposed notice plan is hereby approved as the best notice practicable.
19 The proposed Settlement Class Notice attached as Exhibit C to the Declaration of George B.
20 Singer is sufficient to inform the Class Members of the terms of the Settlement Agreement, their
21 rights to receive monetary payments under the Settlement Agreement, their rights to exclude
22 themselves from the Settlement and their right to lodge objections to the Settlement. The Court
23 finds the notice requirements of California Rules of Court, rule 3.766(d) and rule 3.769(f) are
24 satisfied, and that the Class Notice adequately advises Class Members of their rights under the
25 Settlement. Counsel for the Parties are authorized to correct any typographical errors that may be
26 discovered in the Class Notice and make clarification, to the extent some are found or needed, so
27 long as the corrections do not materially alter the substance of the Class Notice.

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1 5. Phoenix Class Action Administrators (“Phoenix”) is appointed to act as the
2 Settlement Administrator, pursuant to the terms set forth in the Settlement Agreement. The
3 Settlement Administrator is ordered to carry out the Settlement according to the terms of the
4 Settlement Agreement and in conformity with this Order, including disseminating the Notice
5 according to the notice plan described in the Settlement Agreement. Based upon the cost estimate
6 submitted by Phoenix, the Court preliminarily approves administration costs in the amount of
7 twelve thousand dollars (\$12,000.00).

8 7. The notice response deadline will be 45 days from the date of the initial mailing
9 of the Notice Packet. The procedures and 45-day deadline for members of the class to request
10 exclusion and the procedures to object are adopted as described in the Settlement Agreement and
11 Request for Exclusion Form attached as Exhibit E to the Declaration of George B. Singer. Any
12 response to objections must be filed with the Court no later than seven (7) calendar days prior to
13 the Final Approval Hearing.

14 8. The Parties are ordered to carry out the Settlement according to the terms of the
15 Settlement Agreement.

16 9. A Final Approval Hearing will be held on November 28, 2023, at _____
17 _____, to determine whether the Settlement Agreement should be granted final approval as
18 fair, reasonable, and adequate as to the Settlement Class Members. The Court reserves the right
19 to continue the date of the Final Approval hearing without further notice to Class Members. The
20 Court retains jurisdiction to consider all further applications arising out of or in connection with
21 the Settlement Agreement.

22 10. The Motion for Final Approval of the Settlement, including requests to approve
23 the Class Representative Enhancement Payment and Class Counsel’s request for attorneys’ fees
24 and costs, shall be filed 16 court days prior to the Final Approval Hearing.

25 11. In the event the Settlement is not fully and finally approved, or otherwise does not
26 become effective in accordance with the terms of the Settlement Agreement, this Order shall be
27 rendered null and void and shall be vacated, and the Parties shall revert to their respective
28 positions before entering into the Settlement Agreement. If the Settlement does not become final

1 for any reason, the fact that the Parties were willing to stipulate to a settlement and the
2 circumstances, proceedings, and documents related to the proposed settlement shall have no
3 bearing on, and will not be admissible in connection with litigation, whether through issue
4 preclusive, estoppel or otherwise.

5 12. All proceedings in the action are stayed until Final Approval of the Settlement.

6
7 **IT IS SO ORDERED.**

8 08/30/2023

9 DATED: _____



Carolyn B. Kuhl

Carolyn B. Kuhl / Judge

HON. CAROLYN B. KUHL
JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

Code of Civ. Proc. § 1013a, subd. (3)

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 249 East Ocean Boulevard, Suite 814, Long Beach, California, 90802.

On **August 8, 2023**, I served true copies of the following document(s): **[PROPOSED] ORDER GRANTING PLAINTIFF’S NOTICE OF MOTION AND MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT**. I served the document(s) on the person(s) below as follows:

<p>Elizabeth Staggs Wilson, Esq. Luis Lorenzana, Esq. Littler Mendelson, P.C. 633 West 5th Street, 63rd Floor Los Angeles, CA 90071</p>	<p>Attorneys for Defendant: PANDA RESTAURANT GROUP, INC. AND PANDA EXPRESS (P.R.), INC.</p> <p>Telephone: (213) 443-4300 Facsimile: (213) 443-4299 Emails: Estaggs-wilson@littler.com llorenzana@littler.com ishin@littler.com aklapoetkereese@littler.com</p>
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The document(s) were served by the following means:

By electronic service: Based on a court order, I caused the document(s) to be sent to the persons at the electronic service addresses listed above by transmission through CASEANYWHERE.

(State): I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **August 8, 2023**, at Long Beach, California.



Darryl Williams