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3 **MAHONEY LAW GROUP, APC**
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6 Attorneys for Plaintiff JOSE BARRAGAIN, individually and on behalf of all others similarly
7 situated

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES-CENTRAL DISTRICT**
10 **SPRING STREET COURTHOUSE**

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

12 Plaintiff,

13 v.

14 PANDA RESTAURANT GROUP, INC.,
15 a California corporation; and DOES 1
16 through 50, inclusive,

17 Defendant.

Case No.: BC680246

[Coordinated into case: JCCP4919]

CLASS ACTION

**PLAINTIFF'S NOTICE OF ORDER AFTER
HEARING RE: MOTION FOR
PRELIMINARY APPROVAL ORDER**

Assigned for all purposes to:
Hon. Carolyn B. Kuhl, Dept. 12

Date: May 6, 2024
Time: 10:00 a.m.
Dept.: 12

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

1 **TO DEFENDANTS AND THEIR ATTORNEYS OR RECORD:**

2 **PLEASE TAKE NOTICE** that on August 30, 2023, at 11:00 a.m., the Motion for
3 Preliminary Approval came on for hearing, the Honorable Carolyn B. Kuhl, presiding. George
4 Singer of Mahoney Law Group, APC, appeared via LACourtConnect on behalf of Plaintiff. Luis
5 Lorenza of Littler Mendelson, P.C., appeared via LACourtConnect on behalf of Defendant.

6 The Court made the following orders:

- 7 1. The Court granted the Motion for Preliminary Approval and signs and files the order.
- 8 2. The Court sets a Fairness Hearing for May 6, 2024, at 10:00 a.m., in Department 12
9 of the Spring Street Courthouse.
- 10 3. Plaintiff's counsel is to serve the Motion for Preliminary Approval Order on
11 Defendant.

12 Attached hereto as Exhibit A is a true and correct copy of the Minute Court's order.

13 Attached hereto as Exhibit B is a true and correct copy of the Motion for Preliminary
14 Approval Order. Plaintiff was further ordered to give notice.

15 Dated: August 31, 2023

MAHONEY LAW GROUP, APC

16 

17 _____
18 George Singer, Esq.
19 Attorneys for Plaintiff JOSE BARRAGAIN

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Spring Street Courthouse, Department 12

BC680246

JOSE BARRAGAIN VS PANDA RESTAURANT GROUP INC

August 30, 2023

11:00 AM

Judge: Honorable Carolyn B. Kuhl

Judicial Assistant: L. M'Greene

Courtroom Assistant: A. Soni

CSR: None

ERM: None

Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

Other Appearance Notes: George Singer appearing on behalf of Plaintiff Jose Barragan via LACourtConnect, Luis Lorenza appearing on behalf of Defendant Panda Restaurant Group, Inc. via LACourtConnect.

NATURE OF PROCEEDINGS: Hearing on Motion for Preliminary Approval of Settlement (Further)

The matter is called for hearing.

The Court reads and considers the supplemental documents and finds them in order.

The Court grants the Motion for Preliminary Approval and signs and files the order this date.

Fairness Hearing is scheduled for 05/06/2024 at 10:00 AM in Department 12 at Spring Street Courthouse on case BC680246.

Plaintiff's counsel is to serve the Motion for Preliminary Approval Order on the defendant.

A copy of this minute order will append to the following coordinated case under JCCP4919: BC680246.

The Hearing on Motion for Preliminary Approval of Settlement (Further) scheduled for 08/30/2023 is 'Held - Motion Granted' for case BC680246.

EXHIBIT B

1 Kevin Mahoney (SBN: 235367)
2 kmahoney@mahoney-law.net
3 George B. Singer (SBN: 187185)
4 gsinger@mahoney-law.net
5 **MAHONEY LAW GROUP, APC**
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7 Long Beach, CA 90802
8 Telephone: (562) 590-5550
9 Facsimile: (562) 590-8400

7 Attorneys for Plaintiff JOSE BARRAGAIN, as an individual and on behalf of all employees
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.

28 ///

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 31, 2023**, I served true copies of the following document(s): **PLAINTIFF’S NOTICE OF ORDER AFTER HEARING RE: MOTION FOR PRELIMINARY APPROVAL ORDER**. 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. 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 31, 2023**, at Long Beach, California.



Darryl Williams