

Electronically Received 06/27/2023 09:03 PM

1 Malte L. L. Farnaes, Esq. (SBN 222608)
malte@farnaeslaw.com
2 Christina M. Lucio, Esq. (SBN 253677)
clucio@farnaeslaw.com
3 Mitchell J. Murray, Esq. (SBN 285691)
mitch@farnaeslaw.com
4 FARNAES & LUCIO, APC
5 2235 Encinitas Boulevard, Suite 210
6 Encinitas, California 92024
7 Telephone: (760) 942-9431
Facsimile: (760) 942-9431

8 Attorneys for Plaintiffs DESHONE BUSBY and STEPHANIE
9 HERRERA, on behalf of themselves and all others similarly situated

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

12 DESHONE BUSBY and STEPHANIE
13 HERRERA, individually and on behalf of
14 all others similarly situated,

15 Plaintiffs,

16 vs.

17 MMD, INC, a California Corporation,
18 CANTODIEM DISPENSING
19 COLLECTIVE, INC., a California
20 Corporation, CALIFORNIA
21 COMPASSIONATE CARE NETWORK,
22 INC., a California Corporation, NHS
23 COLLECTIVE, a California Corporation,
24 and DOES 1 through 50, inclusive,

25 Defendants.

FILED
Superior Court of California
County of Los Angeles

11/29/2023

David W. Slayton, Executive Officer / Clerk of Court

By: _____ A. He _____ Deputy

Case No. 21STCV01413

Assigned for All Purposes to:
Hon. Stuart M. Rice

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

1 Plaintiff's Motion for Class Certification came on regularly for hearing in Department 1 of
2 the above-titled Court, the Honorable Stuart M. Rice presiding. All parties were present and
3 represented by counsel.

4 Good cause having been shown therefore, IT IS ORDERED THAT:

5 Plaintiff's Motion for Class Certification is GRANTED. The Court grants certification of
6 the following Classes:

- 7
- 8 i. Class: All current and former non-exempt, hourly employees of Defendants in
9 California at any time from January 13, 2017 through the present (the "Class" or
10 "Class Members").
 - 11 ii. Minimum Wage Subclass: All Class Members who were not paid at least minimum
12 wage for all hours worked.
 - 13 iii. City of Los Angeles Minimum Wage Subclass: All Class Members who performed at
14 least two (2) hours of work for Defendants in the City of Los Angeles and were not
15 paid at least the City of Los Angeles minimum wage for all hours worked.
 - 16 iv. Meal Period Subclass: All Class Members who worked more than five (5) hours in a
17 workday, and were not provided with a lawful, timely uninterrupted thirty (30) minute
18 meal period or compensation in lieu thereof.
 - 19 v. Rest Period Subclass: All Class Members who worked more than three and one-half (3
20 ½) hours in a workday and were not authorized or permitted to take one net ten (10)
21 minute rest period for every four hours worked or major fraction thereof, or
22 compensation in lieu thereof.
 - 23 vi. Wage Statement Subclass: All Class Members employed from January 13, 2020 to the
24 present who received a wage statement and were not paid all wages owed.
 - 25 vii. Final Pay Subclass: All former Class Members employed from January 13, 2018 to the
26 present who were not timely paid all wages at separation of employment.
 - 27 viii. Reimbursement Subclass: All Class Members who used a personal cell phone to
28 perform their job duties and were not reimbursed.
 - ix. Unfair Competition Subclass: All Class Members who (1) were subject to unlawful,
illegal, unfair or deceptive business acts or practices by Defendants and, (2) are
entitled to restitution for unpaid wages, unpaid meal or rest premiums or unreimbursed
expenses from Defendants.

The Court finds that the certified Classes are ascertainable and readily identifiable from
Defendants' corporate records.

1 The Court also finds that there is a well-defined community of interest in the certified
2 Classes:

- 3 1. The Classes are so numerous that joinder would be impracticable;
- 4 2. The claims of the Class Representatives are typical of the claims of the members
5 of the Class and Subclasses:
- 6 3. The interests of the Class and Subclasses will be adequately represented by the
7 Class Representatives Stephanie Herrera and Deshone Busby and Class Counsel, Christina M.
8 Lucio and Mitchell J. Murray of Farnaes & Lucio, APC.

9 The Court further finds that common issues of law and fact predominate over individual
10 issues for all the Classes. The Classes are united in their interests with respect to proof of
11 Defendants' policies and Plaintiffs' allegations.

12 The Court further finds that the case is manageable and a class action is a superior
13 procedural device for resolution of these claims which will, among other things, avoid repetitious
14 and multiple litigation and avoid the risk of inconsistent adjudications or of establishing varying
15 or inconsistent standards of conduct. This will be of substantial benefit to the courts, the court
16 system, and the affected parties and will create judicial process within which the claims of many
17 individuals can be resolved simultaneously.

18 IT IS FURTHER ORDERED that the Parties shall meet and confer and submit a proposed
19 Class Notice to the Court for approval within 21 days of this Order.

20 IT IS FURTHER ORDERED that Christina M. Lucio and Mitchell J. Murray of Farnaes
21 & Lucio, APC be appointed as class counsel.

22 Dated: 11/29/2023



A handwritten signature in black ink that reads "Stuart M. Rice".

Stuart M. Rice / Judge

Hon. Stuart M. Rice
Los Angeles Superior Court Judge