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DEPUTY

12 Attorneys for Plaintiff Priscilla L. Magdaleno,
13 individually, and on behalf of all others similarly situated

14 SUPERIOR COURT OF CALIFORNIA
15 COUNTY OF SAN JOAQUIN

16 PRISCILLA L. MAGDALENO,
17 individually and on behalf of all others
18 similarly situated,

19 Plaintiffs,

20 v.

21 DENNY'S, INC.; VISION F.S., INC.; and
22 DOES 1 through 20, inclusive,

23 Defendants.

Case No. STK-CV-UOE-2022-0008100

ASSIGNED FOR ALL PURPOSES TO:
JUDGE GEORGE J. ABDALLAH
DEPARTMENT 10A

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

Complaint Filed: September 13, 2022
FAC Filed: March 3, 2023
Trial Date: Not Set

24 Plaintiff Priscilla Magdaleno's Motion for Preliminary Approval of Class Action and
25 PAGA Settlement ("Motion") came before this Court on JAN 12 2024, in Department 10A
26 before the Honorable George J. Abdallah, presiding. The Court, having considered the papers
27 submitted in support of the Motion and good cause appearing therefor,

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DEC 04 2023



1 IT IS HEREBY ORDERED:

2 1. The Court grants preliminary approval of the Settlement and the Settlement Class
3 based upon the terms set forth in the Joint Stipulation of Class Action and PAGA Settlement and
4 Release Between Plaintiff and Defendant (“Stipulation of Settlement”) attached as Exhibit 1 to the
5 Declaration of Kristy R. Connolly in Support of Plaintiff’s Motion for Preliminary Approval of
6 Class Action and PAGA Settlement. All terms used herein shall have the same meaning as defined
7 in the Stipulation of Settlement.

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

12 3. With respect to the Class and for purposes of proceeding pursuant to California Code
13 of Civil Procedure § 382 for approval of the settlement only, the Court finds on a preliminary basis
14 that (a) Class Members are ascertainable and so numerous that joinder of all Class Members is
15 impracticable; (b) there are questions of law and fact common to the Class that predominate over
16 any questions affecting only individual Class Members; (c) Plaintiff’s claims are typical of the
17 Class’ claims; (d) class certification is a superior method for implementing the Settlement and
18 adjudicating this Action in a fair and efficient manner; (e) the Class Representatives can fairly and
19 adequately protect the Class’ interests; and (f) Class Counsel are qualified to serve as counsel for
20 the Class.

21 4. A final fairness hearing on the question of whether the proposed Settlement,
22 attorneys’ fees and costs to Class Counsel, costs of administration, and Class Representative’s
23 Enhancement Award should be finally approved as fair, reasonable and adequate as to the members
24 of the Class is scheduled in Department 10A on the date and time set forth in the Implementation
25 Schedule in Paragraph 10 below.

26 5. This Court approves, as to form and content, the Notice of Proposed Class Action
27 and PAGA Settlement and Hearing Date for Final Court Approval of Settlement (“Class Notice”)
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1 (Exhibit A.) The Court approves the procedure for Class Members to opt out of and to object to
2 the Settlement as set forth in the Stipulation of Settlement and Class Notice.

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

9 7. It is ordered that the Settlement Class is preliminarily certified for settlement
10 purposes only. The term "Settlement Class" shall mean the following: all persons employed by
11 Defendant in California as a non-exempt employee from March 16, 2018 through July 18, 2023.

12 8. The Court confirms Plaintiff Priscilla Magdaleno as Class Representative, and
13 Samuel A. Wong, Jessica L. Campbell and Kristy Connolly of Aegis Law Firm, PC as Class Counsel.
14 Class Counsel is authorized to act on behalf of the Settlement Class with respect to all acts or consents
15 required by, or which may be given pursuant to, the Settlement, and such other acts reasonably
16 necessary to consummate the Settlement. Any Class Member may enter an appearance either
17 personally or through counsel of such individual's own choosing and at such individual's own
18 expense. Any Class Member who does not enter an appearance or appear on his or her own will be
19 represented by Class Counsel.

20 9. The Court confirms the appointment of Apex as the Settlement Administrator.

21 10. The Court hereby preliminarily approves the definition and disposition of the
22 Maximum Settlement Amount and Net Settlement Amount and related matters provided for in the
23 Settlement, subject to modification at final approval.

24 11. To facilitate administration of the Settlement pending final approval, the Court
25 hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or
26 administrative proceedings (including filing claims with the Division of Labor Standards
27 Enforcement of the California Department of Industrial Relations) regarding claims released by the
28 Settlement, unless and until such Class Members have filed valid Requests for Exclusion with the

1 Settlement Administrator and the time for opting out of the class has elapsed.

2 12. Pending the Final Fairness Hearing and Final Approval, all proceedings in this Action,
3 other than proceedings necessary to carry out or enforce the terms of the Settlement and this Order,
4 are hereby stayed.

5 13. Jurisdiction is hereby retained over this Action, the Parties to the Action, and each
6 of the Class Members for all matters relating to this Action, and this Settlement, including (without
7 limitation) all matters relating to the administration, interpretation, effectuation, and/or
8 enforcement of this Settlement and this Order.

9 14. The Court reserves the right to adjourn or continue the date of any hearing and all
10 dates provided for in the Settlement without further notice to Class Members, and retains jurisdiction
11 to consider all further applications arising out of or connected with the proposed Settlement.

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

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a.	Deadline for Defendant to Submit Class Member and PAGA Member Information to Settlement Administrator	30 calendar days after Order Granting Preliminary Approval
b.	Deadline for Settlement Administrator to Mail Class Notice to Class Members and PAGA Members	21 calendar days after receiving Class Member and PAGA Member Information
c.	Deadline for Class Members to Postmark Requests for Exclusion	60 calendar days after mailing of Class Notice
d.	Deadline for Defendant to provide written Notice of Rescission of Settlement to Class Counsel (if applicable)	14 calendar days after the opt-out deadline
e.	Deadline for Receipt by Court, Settlement Administrator, and Counsel of any Objections to Settlement	60 calendar days after mailing of Class Notice
f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, including Request for Attorneys' Fees and Costs, and Enhancement Award	16 Court days before Final Approval Hearing
g.	Deadline for Settlement Administrator to file Declaration of Due Diligence and Proof of Mailing	16 Court days before Final Approval Hearing

1	h.	Final Fairness Hearing and Final Approval	Date: <u>June 6, 2024</u> Time: <u>9:00 am.</u> Department: 10A
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4	i.	Deadline for Defendant to fund settlement	30 calendar days after Effective Date
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6	j.	Deadline for Settlement Administrator to mail Settlement Awards and Enhancement Award, and to wire transfer Attorneys' Fees and Costs (if Settlement is Effective)	35 calendar days after Effective Date
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9	k.	Deadline for Class Members and PAGA Members to cash Settlement checks (if Settlement is Effective)	180 calendar days after Settlement Administrator mails Settlement Awards and Enhancement Award
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11	l.	Deadline for Settlement Administrator to distribute uncashed Settlement checks amount to <i>cy pres</i> beneficiary (if Settlement is Effective)	14 calendar days after deadline for class members to cash Settlement checks
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14	m.	Settlement Administrator to File 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)	21 calendar days after deadline for Settlement Administrator to pay any unclaimed residue from uncashed Settlement checks to <i>cy pres</i> beneficiary
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18 **IT IS HEREBY ORDERED.**

19 Dated: JAN 12 2024

GEORGE J. ABDALLAH, JR.

Hon. George J. Abdallah
Judge of the Superior Court