

FILED

JUN 20 2024

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS
BY *[Signature]*

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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF STANISLAUS**

17 MICHAEL JACKSON and MONAE
18 NEGRETE, individually, and on behalf of all
19 others similarly situated,

20 *Plaintiff,*

21 v.

22 GRASPOINTNER MANAGEMENT CO.,
23 INC., a California corporation; and DOES 1
24 through 10, inclusive,

25 *Defendants.*

Case No.: CV-22-003478 (Lead Case);
Consolidated with CV-22-003484 (*Negrete*)
08/01/2022 [Related to *Gutierrez v. Graspoinner*
Management, et al, Case No. CV-22-004121]

Assigned to: Hon. John R. Mayne, Dept. 21

**ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Hearing Date: June 20, 2024

Hearing Time: 8:30 a.m.

Hearing Dept.: "21"

Hearing Judge: Hon. John R. Mayne

Complaint Filed: 08/01/2022

Consolidated Filed: 12/28/2023

Trial Date: None Set

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~~PROPOSED~~ ORDER

The Motion of Plaintiffs Michael Jackson and Monae Negrete (“Plaintiffs”) for Preliminary Approval of the Class Action and Private Attorneys General Act (“PAGA”) Settlement Agreement came on regularly for hearing before this Court on June 20, 2024 at 8:30 a.m. The Court, having considered the proposed Class Action and PAGA Settlement Agreement (the “Settlement”), attached as Exhibit 3 to the Declaration of Brandon J. Sweeney filed concurrently with the Motion; having considered Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, Memorandum of Points and Authorities in support thereof, and supporting declarations filed therewith; and good cause appearing, HEREBY ORDERS THE FOLLOWING:

1. The Court GRANTS preliminary approval of the class action and PAGA settlement as set forth in the Settlement and finds its terms to be within the range of reasonableness of a settlement that ultimately could be granted approval by the Court at a Final Fairness Hearing. For purposes of the Settlement only, the Court finds that the proposed Settlement Class is ascertainable and that there are a sufficiently well-defined community of interest among the members of the Settlement Class in questions of law and fact. Therefore, for settlement purposes only, the Court grants conditional certification of the following Settlement Class:

All current and former non-exempt employees of Graspointner Management Co., Inc. and employed in California at any time during the period of August 1, 2021, up to and including Preliminary Approval of Settlement by the Court.

2. For purposes of the Settlement, the Court designates named Plaintiffs Michael Jackson and Monae Negrete as Class Representatives, and Justin F. Marquez of the Wilshire Law Firm, Brandon J. Sweeney of the Sweeney Law Firm and Jonathan J. Moon of the Law Offices of Jonathan J. Moon as Class Counsel.

3. The Court recognizes that certification under this Order is for *settlement purposes only*, and shall not constitute or be construed as a finding by the Court, or an admission on the part of Defendants, that this action is appropriate for class or PAGA treatment for litigation purposes. Entry of this Order is without prejudice to the rights of Defendants to oppose class certification

1 in this action, should the proposed Settlement not be granted full and final approval.

2 4. The Court designates APEX Class Action Settlement Administration as the third-party
3 Settlement Administrator for mailing notices.

4 5. The Court hereby preliminarily approves the Gross Settlement Amount (“GSA”) of
5 \$2,950,000.00. The GSA includes (i) all payments to the Aggrieved Employees and Class
6 Members; (ii) Plaintiffs’ counsel’s attorneys’ fees and costs; (iii) payment for the PAGA
7 settlement; (iv) the costs of administration of the settlement; (v) enhancement payments to
8 Plaintiffs subject to Court approval; and (vi) all payroll taxes and taxes payable to federal and state
9 tax authorities as the result of this Settlement.

10 6. It appears to the Court on a preliminary basis that:

- 11 a. The settlement amount is fair and reasonable to all Class Members and Aggrieved
12 Employees when balanced against the probable outcome of further litigation
13 relating to liability and damages issues;
- 14 b. Extensive and costly investigation and research have been conducted such that
15 counsel for the Parties at this time are reasonably able to evaluate their respective
16 positions;
- 17 c. Settlement at this time will avoid additional substantial costs, such as those that
18 have already been incurred by the Parties, as well as avoid the delay and risks that
19 would be presented by the further prosecution of this litigation; and
- 20 d. The proposed settlement has been reached as the result of intensive, serious, and
21 non-collusive arm’s-length negotiations.

22 7. The Court approves, as to form and content, the Class Notice Packet (which is comprised
23 of the Notice of Class Action Settlement, Request for Exclusion Form, Pay Period Dispute Form
24 and Objection Form) which is attached to the Settlement as Exhibit(s) A through D.

25 8. The Court finds that the form of notice to the Settlement Class regarding the pendency of
26 the action and of the Settlement, and the methods of giving notice to members of the Settlement
27 Class, constitutes the best notice practicable under the circumstances, and constitutes valid,
28 due, and sufficient notice to all members of the Settlement Class. The form and method of

1 giving notice complies fully with the requirements of California Code of Civil Procedure
2 section 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769,
3 the California and United States Constitutions, and other applicable law.

4 9. The Court further approves the procedures for Class Members to opt out of or object to the
5 Settlement, as set forth in the Class Notice.

6 10. The procedures and requirements for filing objections in connection with the Final
7 Fairness Hearing is intended to ensure the efficient administration of justice and the
8 orderly presentation of any Class Member's objection to the Settlement, in accordance with
9 the due process rights of all Class Members.

10 11. The Court directs the Settlement Administrator to mail the Class Notice to the members of
11 the Settlement Class in accordance with the terms of the Settlement.

12 12. The Class Notice shall provide at least 45 calendar days' notice for members of the
13 Settlement Class to opt out of, or object to, the Settlement.

14 13. The Final Approval Hearing on the question of whether the Settlement should be approved
15 as fair, reasonable, and adequate is scheduled in Department 21 of this Court, located at 801
16 10th Street, Modesto, California 95354 on 4/23, 2024 at 8:30 a.m./p.m.

17 14. At the Final Fairness Hearing, the Court will consider: (a) whether the Settlement should
18 be finally approved as fair, reasonable, and adequate for the Settlement Class; (b) whether a
19 judgment granting final approval of the Settlement should be entered; and (c) whether Plaintiffs'
20 application for reasonable attorneys' fees, reimbursement of litigation expenses, enhancement
21 payments to Plaintiffs, and payment to the Labor and Workforce Development Agency
22 ("LWDA") for penalties under the Labor Code Private Attorneys General Act ("PAGA") should
23 be granted.

24 15. Counsel for the parties shall file memoranda, declarations, or other statements and
25 materials in support of their request for final approval of the Settlement, attorneys' fees,
26 litigation expenses, Plaintiffs' enhancement payments, settlement administration costs, and
27 payment to the LWDA for PAGA penalties prior to the Final Fairness Hearing according to the
28 time limits set by the Code of Civil Procedure and the California Rules of Court.

1 16. An implementation schedule is below:

Event	Date
Deadline to provide Class Data to Settlement Administrator	15 days after receipt of the preliminary approval order
Settlement Administrator to mail Class Notices to Class Members	30 days after receipt of the Class Data
Deadline for Class Members to request exclusion from, submit disputes, or object to, the Settlement	45 days after the Administrator mails the Notice Packet (plus an additional 14 days for Class Members who Notice Packet is re-mailed)
Deadline for Plaintiffs to file Motion for Final Approval of Class Action Settlement:	4/9/25
Final Approval Hearing:	4/23/25, 2024

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13 17. Pending the Final Fairness Hearing, all proceedings in this action, other than proceedings
14 necessary to carry out or enforce the terms and conditions of the Settlement and this Order, are
15 stayed.

16 18. Counsel for the parties are hereby authorized to utilize all reasonable procedures in
17 connection with the administration of the Settlement which are not materially inconsistent with
18 either this Order or the terms of the Settlement.

19 19. Nothing in this Order or the Settlement shall be construed as an admission or concession by
20 any party. The Settlement and this Order simply represent an effort to compromise and resolve
21 disputed allegations.

22 20. If, for any reason, the Court does not grant final approval of the Settlement, all evidence and
23 proceedings held in connection with this preliminary and final approval will be without
24 prejudice to the status quo ante rights of the parties to the litigation as more specifically set
25 forth in the Settlement Agreement.

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IT IS SO ORDERED.

DATED: 6/20/24



HON. JOHN R. MAYNE
STANISLAUS COUNTY SUPERIOR
COURT JUDGE