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Filed **MAR 27 2025**
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN JOAQUIN**

10
11 SOMALIA GOODWIN and JOHN A.
12 MCGEHEE, On behalf of the general public as
private attorney general,

13 Plaintiffs,

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15 v.

16 SAVE MART SUPERMARKETS, LLC, a
California Limited Liability Company; and
17 DOES 1-100, inclusive,

18 Defendants.
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Case No.: (Lead) STK-CV-UOE-2023-2062;
SCV-273343 (MCGEHEE class action) filed
in Sonoma county; SCV-273793
(MCGEHEE PAGA action) filed in Sonoma
county

~~[PROPOSED]~~ **ORDER GRANTING
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: March 25, 2025
Time: 9:00 a.m.
Dept.: 10D

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1 The Court, having read the papers filed regarding Plaintiffs' Motion for Preliminary
2 Approval of Class Action Settlement, and having heard argument on the Motion, hereby finds
3 and ORDERS as follows:

4 1. The Joint Stipulation of Class Action and PAGA Settlement and Release
5 ("Settlement Agreement"), attached as Exhibit 1 to the Brandon Brouillette in support of
6 Plaintiffs' Motion for Preliminary Approval of Class Action Settlement, filed on or about
7 January 30, 2025, is within the range of possible recovery and, subject to further consideration at
8 the Final Approval Hearing described below, is preliminarily approved as fair, reasonable, and
9 adequate. The Court, for purposes of this Order, adopts all defined terms as set forth in the
10 Settlement Agreement.

11 2 For purposes of settlement only, the Court provisionally and conditionally
12 certifies a class including all current or former hourly-paid or non-exempt employees employed
13 by the Defendant Save Mart Supermarkets, LLC ("Save Mart" or "Defendant") in the State of
14 California during the Class Period of July 1, 2021 through the earlier of of the date the Court
15 preliminarily approves the Settlement Agreement, or the date the number of workweeks during
16 the Class Period is 10 percent more than 1,600,000 work weeks.

17 3. The Court finds the Settlement Class, consisting of at least 25,288 members, is so
18 numerous that joinder of all members is impracticable, and that the Settlement Class is
19 ascertainable by reference to the business records of Save Mart.

20 4. The Court finds further there are questions of law and fact common to the entire
21 Settlement Class, which common questions predominate over any individualized questions of
22 law or fact, and these common questions include (1) whether Save Mart paid Settlement Class
23 Members for all hours worked, including overtime hours, at the correct hourly wage; (2) whether
24 Save Mart provided Settlement Class Members with all required meal periods on a compliant
25 basis; (3) whether Save Mart provided Settlement Class Members with all required rest periods
26 on a compliant basis; (4) whether Save Mart reimbursed reasonable and necessary business
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1 expenses; (5) whether Save Mart provided Settlement Class Members with compliant wage
2 statements; and (6) whether Save Mart timely paid all wages due on separation of employment.

3 5. The Court finds further the claims of named Plaintiffs Somalia Goodwin, John A.
4 McGehee, Dustin Johnson, and Juan Carlos Quevedo are typical of the claims of the Settlement
5 Class, and that they will fairly and adequately protect the interests of the Settlement Class.
6 Accordingly, the Court appoints Somalia Goodwin, John A. McGehee, Dustin Johnson, and Juan
7 Carlos Quevedo as the Class Representatives, and appoints their counsel of record, Crosner
8 Legal, PC, James Hawkins, APLC, Blumenthal Nordehaug Bhowmik De Blouw LLP, and
9 Haynes Law Group, APC as Class Counsel.

10 6. The Court finds further that certification of the Settlement Class is superior to
11 other available means for the fair and efficient adjudication of the controversy.

12 7. The Court finds further that, in the present case, the proposed method of
13 providing notice of the Settlement to the Settlement Class via First Class U.S. Mail to each
14 Settlement Class Member's last known address, is reasonably calculated to notify the Settlement
15 Class Members of the proposed Settlement and provides the best notice possible under the
16 circumstances. The Court also finds the Notice of Class Action Settlement form is sufficient to
17 inform the Settlement Class Members of the terms of the Settlement and their rights thereunder,
18 including the right to object to the Settlement or any part thereof and the procedure for doing so,
19 their right to exclude themselves from the Settlement and the procedure for doing so, their right
20 to obtain a portion of the Settlement proceeds, and the date, time and location of the Final
21 Approval Hearing. The proposed Notice of Class Action Settlement and the procedure for
22 providing Notice set forth in the Settlement Agreement, all are approved by the Court.

23 8. Under the terms of the Settlement Agreement, the Court approves the Parties'
24 selection of Apex Class Action, LLC as the Settlement Administrator. The Settlement
25 Administrator is ordered to mail the Class Notice to the Settlement Class Members via First-
26 Class U.S. Mail as specified in the Settlement Agreement, and to otherwise carry out all other
27 duties set forth in the Settlement Agreement. The Parties are ordered to carry out and comply
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1 with all terms of this Order and the Settlement Agreement, and particularly with respect to
2 providing the Settlement Administrator all information necessary to perform its duties under the
3 Settlement Agreement.

4 9. Any member of the Settlement Class who wishes to comment on or object to the
5 Settlement or any term thereof, including any proposed award of attorney's fees and costs to
6 Class Counsel or any proposed representative enhancement to the Class Representatives, shall
7 have forty-five (45) days from the initial mailing of the Class Notice to submit his or her
8 comments and/or objection to the Settlement Administrator, as set forth in the Settlement
9 Agreement and Class Notice.

10 10. Any member of the Settlement Class who wishes to exclude themselves from the
11 Settlement shall have forty-five (45) days from the mailing of the Class Notice to submit his or
12 her Request for Exclusion to the Settlement Administrator, as set forth in the Settlement
13 Agreement and Class Notice.

14 11. A Final Approval Hearing is hereby set for August 26, 2025, at 9:00 a.m. in
15 Department 10D of the San Joaquin County Superior Court, to consider any objections to the
16 Settlement, determine if the proposed Settlement should be found fair, adequate and reasonable
17 and given full and final approval by the Court, and to determine the amount of attorney's fees
18 and costs awarded to Class Counsel, the amount of any representative enhancement award to the
19 Class Representatives, and to approve the fees and costs payable to the Settlement Administrator.
20 All legal memoranda, affidavits, declarations, or other evidence in support of the request for final
21 approval, the award of attorney's fees and costs to Class Counsel, the enhancement awards to the
22 Class Representatives, and the fees and costs of the Settlement Administrator, shall be filed no
23 later than sixteen (16) court days prior to the Final Approval Hearing. The Court reserves the
24 right to continue the Final Approval Hearing without further notice to the Settlement Class
25 Members.


26 12. Provided he or she has not submitted a timely and valid Request for Exclusion,
27 any Settlement Class Member may appear, personally or through his or her own counsel, and be
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1 heard at the Final Approval Hearing regardless of whether he or she has submitted a written
2 objection.

3 **IT IS SO ORDERED.**

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5 **BARBARA A. KRONLUND**

6 Dated: 3/27/23

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Judge of the Superior Court