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13 on behalf of himself and others similarly situated

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

16 OSCAR SANCHEZ, on behalf of himself and
17 others similarly situated,

18 Plaintiff,

19 vs.

20 TDSG, LLC; TOTAL DAIRY SOLUTIONS
21 CALIFORNIA LLC; and DOES 1 to 100,
22 inclusive,

23 Defendants.

Case No. CV-23-005997

CLASS ACTION

*[ASSIGNED FOR ALL PURPOSES TO THE
HON. JOHN R. MAYNE, DEPT. 21]*

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

*[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement; Declaration of Alexander J. Aroeste
in Support; and Declaration of Plaintiff Oscar
Sanchez in Support]*

Hearing Information:

Date: May 29, 2025

Time: 8:30 a.m.

Dept.: 21

1 The Motion for Preliminary Approval of a Settlement came before this Court on that on
2 May 29, 2025, at 8:30 a.m., or as soon thereafter as the matter can be heard in Department 21 of the
3 Stanislaus County Superior Court located at 801 10th Street, 4th Floor, Modesto, CA 95354. The
4 Court, having considered the proposed Class Action and PAGA Settlement Agreement and Class
5 Notice entered into by and between Plaintiff OSCAR SANCHEZ (“Plaintiff”) and Defendants
6 TDSG, LLC (“Defendant TDSG”); TOTAL DAIRY SOLUTIONS CALIFORNIA LLC
7 (“Defendant TDS”, or together, “Defendants”) attached as **Exhibit 1** to the Declaration of
8 Alexander J. Aroeste in Support of Plaintiff’s Motion for Preliminary Approval of Class Action
9 Settlement, and the Exhibits attached thereto (hereafter collectively, the “Settlement” or “Settlement
10 Agreement”); having considered the Motion for Preliminary Approval of Class Action Settlement
11 filed by the parties; having considered the respective points and authorities and declarations
12 submitted by the parties in support thereof; and good cause appearing, HEREBY ORDERS THE
13 FOLLOWING:

14 The Court grants preliminary approval of the settlement as set forth in the Settlement and
15 finds the terms to be within the range of reasonableness of a settlement that ultimately could be
16 granted approval by the Court at the Final Fairness Hearing. For purposes of the Settlement, the
17 Court finds that the proposed Settlement Class is ascertainable and that there is a sufficiently well-
18 defined community of interest among the Class in questions of law and fact. Therefore, for
19 settlement purposes only, the Court grants conditional certification of the following “Class” defined
20 as follows:

21 All current and former hourly, non-exempt employees of Defendants who worked for
22 TDSG, LLC and TOTAL DAIRY SOLUTIONS CALIFORNIA LLC in the State of
23 California at any time during the Class Period.

24 1. The “Class Period” is the period from April 2, 2023, through February 14, 2025.

25 2. For purposes of settlement, the Court further designates named Plaintiff Oscar
26 Sanchez as Class Representative, and Joseph Lavi, Esq., Vincent C. Granberry, Esq., and Alexander
27 J. Aroeste, Esq. of Lavi & Ebrahimian, LLP, as Class Counsel.

1 3. The Court appoints APEX Class Action, LLC ("Apex"). as the Settlement
2 Administrator.

3 4. A final fairness hearing on the question of whether the proposed settlement should
4 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
5 Department 21 of Stanislaus County Superior Court located at 801 10th Street, 4th Floor, Modesto,
6 CA 95354, on November 5, 2025, at 8:30 a.m./p.m.

7 5. At the final fairness hearing, the Court will consider: (a) whether the settlement
8 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
9 approval of the settlement should be entered; and (c) whether Plaintiff's application for an award of
10 Class Counsel Fees, Class Counsel Expenses, and Class Representative Service Payment should be
11 granted.

12 6. Counsel for the parties shall file memoranda, declarations, or other statements and
13 materials in support of their request for final approval by no later than 16 court days prior the final
14 fairness hearing.

15 7. Class Counsel shall file a motion for an award of Class Counsel Fees, Class
16 Counsel Expenses, and Class Representative Service Payment by no later than 16 court days prior
17 to the final fairness hearing.

18 8. The Court approves, as to form and content, the Class Notice which is attached to
19 the Settlement as Exhibit A.

20 9. No later than fifteen (15) calendar days following the date the Court enters this
21 order, Defendant TDSG shall provide the following information to the Settlement Administrator:
22 Class Member identifying information in Defendant TDSG's possession including the Class
23 Member's name, last-known mailing address, Social Security number, and number of Class Period
24 Workweeks and PAGA Pay Periods ("Class Data").

25 10. No later than fourteen (14) calendar days after receiving the Class Data, the
26 Settlement Administrator shall disseminate the Class Notice to all the Class Members identified in
27 the Class Data by first-class U.S. Mail.

1 11. Class Members shall have sixty (60) calendar days from the date the Settlement
2 Administrator mails Notice to the Class Members to fax, email, or mail Requests for Exclusion
3 from the Settlement or fax, email, or mail an Objection to the Settlement ("Response Deadline").
4 Class Members to whom Notice Packets are resent after having been returned undeliverable to the
5 Administrator shall have an additional fourteen (14) calendar days beyond the Response Deadline
6 has expired.

7 12. The Court finds that the forms of Class Notice to the Class regarding the pendency
8 of the action and of this settlement, and the methods of giving notice to members of the
9 Settlement Class constitute the best notice practicable under the circumstances and constitute
10 valid, due, and sufficient notice to all members of the Class. They comply fully with the
11 requirements of California Code of Civil Procedure section 382, California Civil Code section
12 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions,
13 and other applicable law.

14 13. The Court further approves the procedures for Class Members to participate in, opt
15 out of, or object to the Settlement, as set forth in the Settlement Agreement and Class Notice.

16 14. Class Members who wish to exclude themselves (opt-out of) the Class Settlement
17 must send the Administrator, by fax, email, or mail, a signed written Request for Exclusion not
18 later than 60 days after the Administrator mails the Class Notice (plus an additional 14 days for
19 Class Members whose Class Notice is re-mailed). A Request for Exclusion is a letter from a Class
20 Member or his/her representative that reasonably communicates the Class Member's election to
21 be excluded from the Settlement and includes the Class Member's name, address and email
22 address or telephone number. To be valid, a Request for Exclusion must be timely faxed, emailed,
23 or postmarked by the Response Deadline.

24 15. Participating Class Members may send written objections to the Administrator, by
25 fax, email, or mail. In the alternative, Participating Class Members may appear in Court (or hire
26 an attorney to appear in Court) to present verbal objections at the Final Approval Hearing. A
27 Participating Class Member who elects to send a written objection to the Administrator must do
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1 so not later than 60 days after the Administrator's mailing of the Class Notice (plus an additional
2 14 days for Class Members whose Class Notice was re-mailed).

3 16. Pending the Fairness Hearing, all proceedings in this action, other than proceedings
4 necessary to carry out or enforce the terms and conditions of the Settlement Agreement and this
5 Order, are stayed.

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

9 18. The Court orders the following Implementation Schedule for further proceedings:

Event	Timing
Class Data: Last day for Defendant TDSG to provide the Settlement Administrator the Class Database	15 calendar days after the Court's entry of this Order
Notice Date: last day for Administrator to mail Class Notice to Class Members.	14 calendar days after receipt of the Class Data
Response Deadline: (i) last day for Settlement Class Members to submit Requests for Exclusion; (ii) last day for class members to submit Objections	60 calendar days after the date of mailing of the Class Notice
Last day for class counsel to file motion for award of attorneys' fees, reimbursement of litigation expenses and class representative enhancement.	16 court days prior to the final fairness hearing
Last day for parties to file motion and supporting documents for final approval of class action settlement.	16 court days prior to the final fairness hearing
Last day for the Parties to respond to Objections	5 court days prior to the final fairness hearing
Hearing on final approval of class action settlement.	Approximately 150 days after the preliminary approval is granted or on <u>11/5/25</u> at <u>8:30</u> a.m. <u>p.m.</u>

23 19. The Fairness Hearing and related prior deadlines set forth above may, from time to
24 time and without further notice to the Class (except those who have filed timely and valid
25 objections), be continued or adjourned by Order of the Court.


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1 **IT IS SO ORDERED.**

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3 Dated: 5/29/25



Hon. John R. Mayne,
Judge of the Superior Court