

1 Joseph Lavi, Esq. (SBN 209776)
2 Vincent C. Granberry, Esq. (SBN 276483)
3 Jovahn Wiggins, Esq. (SBN 349903)
4 Eric J. Naessig, Esq. (SBN 343081)
5 **LAVI & EBRAHIMIAN, LLP**
6 8889 W. Olympic Blvd., Suite 200
7 Beverly Hills, California 90211
8 Telephone: (310) 432-0000
9 Facsimile: (310) 432-0001
10 E-Mail: jlavi@lelawfirm.com
11 vgranberry@lelawfirm.com
12 jwiggins@lelawfirm.com
13 enaessig@lelawfirm.com

14 Attorneys for Plaintiff VICTOR MARQUEZ,
15 on behalf of himself and others similarly situated

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
17 **FOR THE COUNTY OF ALAMEDA**

18 VICTOR MARQUEZ, on behalf of himself
19 and other similarly situated,

20 Plaintiff,

21 vs.

22 PANERA, LLC dba PANERA BREAD; and
23 DOES 1 to 100, inclusive,

24 Defendants.

Case No.: RG20076302

CLASS ACTION – FCRA/ICRAA/CCRAA

[Assigned for all purposes to Hon. Somnath Raj Chatterjee, Dept. 21]

**[REVISED PROPOSED] ORDER
GRANTING PLAINTIFF’S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

[Filed concurrently with Plaintiff’s Supplemental Brief in Support of Motion for Preliminary Approval of Class Action Settlement; the Declaration of Eric J. Naessig in Support; and the Declaration of Victor Marquez]

Hearing Information:

Date: July 1, 2025

Time: 2:30 p.m.

Dept.: 21

Reservation ID: 181368088580

1 The Motion for Preliminary Approval of a Settlement came before this Court on July 1,
2 2025 at 2:30 p.m. in Department 21 of Alameda Superior Court, René C. Davidson Courthouse
3 located at 1225 Fallon Street, Oakland, CA 94612. The Court, having considered the proposed
4 Joint Stipulation of Class Action Settlement attached as **Exhibit 6** to the Declaration of Eric J.
5 Naessig in Support of Plaintiff’s Motion for Preliminary Approval of Class Action Settlement filed
6 on June 24, 2025, and the Exhibits attached thereto (hereafter collectively, the “Settlement” or
7 “Settlement Agreement”); having considered the Motion for Preliminary Approval of Class Action
8 Settlement filed by Plaintiff; having considered the respective points and authorities and
9 declarations submitted by the parties in support thereof; and good cause appearing, HEREBY
10 ORDERS THE FOLLOWING:

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

18 all current and former Fresh Dough Facility managers employed by Defendant
19 during the Class Period. “Class Period” means October 5, 2015 through the date
20 that the Court enters the order preliminarily approving the settlement.

21 2. For purposes of the settlement, the Court further designates named Plaintiff Victor
22 Marquez as Class Representative, and Joseph Lavi, Vincent C. Granberry, Jovahn Wiggins, and
23 Eric J. Naessig of Lavi & Ebrahimian, LLP as Class Counsel.

24 3. The Court appoints Apex Class Action LLC as the Settlement Administrator.

25 4. A final fairness hearing on the question of whether the proposed settlement should
26 be finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
27 Department 21 of Alameda Superior Court, René C. Davidson Courthouse located at 1225 Fallon
28 Street, Oakland, CA 94612, on December 2, 2025, at 2:30 p.m.

1 5. At the final fairness hearing, the Court will consider: (a) whether the settlement
2 should be approved as fair, reasonable, and adequate for the class; (b) whether a judgment granting
3 approval of the settlement should be entered; and (c) whether Plaintiff's application for an award of
4 attorneys' fees, reimbursement of litigation expenses, and class representative enhancement should
5 be granted.

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

9 7. Class Counsel shall file a motion for an award of attorneys' fees, reimbursement of
10 litigation expenses and class representative enhancement by no later than 16 court days prior to
11 the final fairness hearing.

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

14 9. Within fourteen (14) days of Defendant's receipt of notice of entry of Preliminary
15 Approval, Defendant shall cause to be delivered by email or otherwise to the Settlement
16 Administrator a list of the Class Members that includes their names, last known home address(es),
17 full social security numbers during the Class Period, all of which information shall be based upon
18 Defendant's business records ("Class Data").

19 10. Within fourteen (14) days after receipt of the Class Data from Defendant, the
20 Settlement Administrator will mail to all Class Members, by first-class U.S. mail the Class Notice.

21 11. Class Members shall have sixty (60) calendar days from the date of the initial
22 mailing of the Class Notice to return to the Settlement Administrator Requests for Exclusion or
23 objection. The Response Deadline for Exclusion Requests will be extended fifteen (15) calendar
24 days for any Class Member who is re-mailed a Class Notice by the Settlement Administrator.

25 12. The Court finds that the Class Notice to be sent the Class regarding the pendency
26 of the action and of this settlement, and the methods of giving notice to members of the Class
27 constitute the best notice practicable under the circumstances and constitute valid, due, and
28 sufficient notice to all members of the Class. They comply fully with the requirements of

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

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

6 14. Any member of the Class who wishes to make a Class Member Objection must give
7 written notice to the Settlement Administrator, with such notice being received by the Settlement
8 Administrator within sixty (60) days of mailing of the Class Notice to the Class Members. Such
9 written must be signed by the Class Member and state: (a) the full name and last four digits of the
10 Social Security Number of the Class Member and (b) the basis for the objection.

11 15. Any member of the Class who wishes to make an opt-out request must deliver
12 written notice (to include the relevant Class Member's name, last four digits of the Social Security
13 number, and signature) to such effect to the Settlement Administrator, with such notice being
14 received by the Settlement Administrator within sixty (60) days of mailing of the Class Notice to
15 the Class Members. Such written notice shall explicitly and unambiguously state the following
16 statement or similar statement: "I wish to exclude myself from the settlement reached in the matter
17 of *Marquez v. Panera, LLC dba Panera Bread*. I understand by excluding myself, I will not receive
18 any money from the settlement reached in this matter."

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

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

Event	Timing
Class Data: Last day for Defendant to provide the Settlement Administrator the Class Data	14 calendar days after receipt of the notice entry of this Order
Notice Date: last day for Settlement Administrator to mail Class Notice to Class Members.	14 calendar days after receipt of the Class Data from Defendant
Response Deadline: (i) last day for Class Members to submit Opt-Out Request; (ii) last day for Class Members to submit objections; and (iii) request inclusion.	60 calendar days after the date of the initial 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.	December 2, 2025 at 2:30 p.m.

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

IT IS SO ORDERED.

Dated: _____

Hon. Somnath Raj Chatterjee
Judge of the Alameda Superior Court