

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**D.LAW, INC.**  
Emil Davtyan (SBN 299363)  
Emil@d.law  
David Yeremian (SBN 226337)  
d.yeremian@d.law  
Enoch J. Kim (SBN 261146)  
e.kim@d.law  
Arianna N. Razi (SBN 356930)  
a.razi@d.law  
450 N Brand Blvd, Suite 840  
Glendale, CA 91203  
Telephone: (818) 962- 6465  
Facsimile: (818) 962-6469

**F I L E D** Superior Court of California **F I L E D**  
County of Butte  
**DEC 10 2025**  
Sharif Elmallah, Clerk  
By: *[Signature]* Deputy

Attorneys for Plaintiffs David Pete and Thomas Miller,  
on behalf of themselves and others similarly situated

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF BUTTE**

DAVID PETE, on behalf of himself and  
others similarly situated,  
  
Plaintiff,  
  
vs.  
  
TINK, INC., a California corporation; and  
DOES 1 through 50, inclusive,  
  
Defendants.

Case No.: 24CV01499

CLASS ACTION

Assigned for All Purposes To:  
Hon. Stephen E. Benson  
Dept.: 6

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION AND PAGA SETTLEMENT**

*[filed concurrently with Plaintiffs' Notice of  
Motion and Motion; Memorandum of Points and  
Authorities; and Declarations of Enoch J. Kim,  
Jarrett Gorlick, Michael Sutherland, David Pete,  
and Thomas Miller]*

Date: December 10, 2025  
Time: 9:00 a.m.  
Dept.: 6

Original Complaint Filed: May 8, 2024  
First Amended Complaint Filed: July 12, 2024  
Second Amended Complaint Filed: October 9,  
2024  
Trial Date: None Set

1 **ORDER**

2 Plaintiffs David Pete and Thomas Miller (“Plaintiffs”), on behalf of themselves and other  
3 similarly situated employees of Defendant Tink, Inc. (“Defendant”) (collectively, “the Parties”),  
4 filed an unopposed Motion for Preliminary Approval of Class Action and PAGA Settlement  
5 (“Motion”). The Motion was set for hearing on December 10, 2025, at 9:00 a.m. in Department 6  
6 of the Butte County Superior Court located at 1775 Concord Avenue, Chico, CA 95928. The  
7 Court, having considered the Class Action and PAGA Settlement Agreement (“Settlement  
8 Agreement”) and the proposed Court Approved Notice of Class Action Settlement and Hearing  
9 Date for Final Court Approval (“Class Notice”) (attached as Exhibit A to the Settlement  
10 Agreement (which is attached as Exhibit 1 to the Declaration of Enoch J. Kim (“Kim Decl.”)), the  
11 submissions of counsel, and all other papers filed in this litigation, hereby ORDERS as follows:

12 1. Plaintiffs’ Motion for Preliminary Approval of the Parties’ Settlement Agreement,  
13 which is attached as Exhibit 1 to the Declaration of Enoch J. Kim, is GRANTED;

14 2. This Order incorporates by reference the definitions in the Settlement Agreement,  
15 and all terms defined therein will have the same meaning as in this Order;

16 3. The Court conditionally certifies the Class consisting of all persons employed by  
17 Defendant in California and classified as non-exempt hourly employees who worked for Defendant  
18 during the Class Period, which is the period from May 8, 2020 to April 15, 2025. (Kim Decl.,  
19 Exhibit 1, Settlement Agreement ¶¶ 1.5, 1.12.)

20 4. The class action settlement contemplated by the Settlement Agreement is  
21 preliminarily approved based upon the terms set forth in the Settlement Agreement. The Settlement  
22 appears to be fair, adequate, and reasonable for the Class and falls within the range of  
23 reasonableness that could ultimately be granted final approval by the Court.

24 5. The Court preliminarily finds, for settlement purposes only, that the Class meets  
25 (i) the ascertainability and numerosity requirements; (ii) the commonality requirement because, in  
26 the absence of class certification and settlement, each individual Class Member would have to  
27 litigate core common issues of law and fact, all relating to Defendant’s alleged wage-and-hour  
28 violations asserted in the action; (iii) the typicality requirement because Plaintiffs and Class

1 Members' claims all arise from the same alleged events and course of conduct and are based on the  
2 same legal theories; and (iv) the adequacy of representation requirement because Plaintiffs have  
3 the same interests as all members of the Class, and they are represented by experienced and  
4 competent counsel. The Court further finds, preliminarily and for settlement purposes only, that  
5 common issues predominate over individual issues in this litigation and that class treatment is  
6 superior to the other means of resolving this dispute.

7         6. The preliminary approval of the class action settlement includes the approval for  
8 purposes of the Settlement of D.Law, Inc. as Class Counsel, Plaintiffs David Pete and Thomas  
9 Miller as Class Representatives, and Apex Class Action LLC ("Apex") as the Administrator. Class  
10 Counsel is authorized to act on behalf of the Class Members with respect to all acts or consents  
11 required by or which may be given pursuant to the Settlement Agreement and such other acts  
12 reasonably necessary to consummate the Settlement. The Administrator is authorized to perform  
13 such acts as set forth in this Order and the Settlement Agreement.

14         7. The Court grants approval of the PAGA settlement pursuant to the terms and  
15 conditions contained in the Settlement Agreement. The Court finds that the terms of the PAGA  
16 settlement are fair and reasonable and approves the PAGA settlement pursuant to Labor Code  
17 § 2699(1)(2).

18         8. The Class Notice advises the Class of the material terms and provisions of the  
19 Settlement, the procedure for approval thereof, and their rights with respect thereto, and is approved  
20 as to form and content. The Court approves the procedures set forth in the Settlement Agreement  
21 for Class Members to participate in, opt out of, and object to the Settlement as set forth in the Class  
22 Notice.

23         9. The Class Notice, attached as Exhibit A to the Settlement Agreement, which is  
24 attached as Exhibit 1 to the Declaration of Enoch J. Kim, advises the Class of the material terms  
25 and provisions of the Settlement, the procedure for approval thereof, and their rights with respect  
26 thereto, and is approved as to form and content. The Court approves the procedures set forth in the  
27 Settlement Agreement for Class Members to participate in, opt out of, and object to the Settlement  
28 as set forth in the Class Notice.

1           10.    The Class Notice will be sent by first-class mail to the Class Members in accordance  
2 with the schedule set forth in the Settlement Agreement. The dates selected for the mailing and  
3 distribution of the Class Notice, and the other dates as set forth in the Settlement Agreement, meet  
4 the requirements of due process and provide the best notice practicable under the circumstances,  
5 and will constitute due and sufficient notice to all persons entitled thereto.

6           11.    Each Class Member who wishes to be excluded from the Class portion of the  
7 Settlement must submit a written request to be excluded (“Request for Exclusion”) from the Class  
8 portion of the Settlement by the deadline set forth in the Class Notice. Any Class Member who  
9 does not submit a timely Request for Exclusion from the Class portion of the Settlement consistent  
10 with the terms of the Settlement Agreement (“Participating Class Member”) shall be bound by the  
11 terms of the Settlement Agreement.

12          12.    Only Participating Class Members may object to the Class portion of the Settlement,  
13 including contesting the fairness of the Settlement, and/or amounts requested for the Class Counsel  
14 Fees Payment, Class Counsel Litigation Expenses Payment, Administration Expenses Payment,  
15 and/or Class Representative Service Payment. Participating Class Members may send written  
16 objections to the Settlement Administrator, by fax, email, or mail, by the deadline set forth in the  
17 Class Notice. Participating Class Members may also appear in Court (or hire an attorney to appear  
18 in Court at their own expense) to present verbal objections at the Final Approval Hearing.

19          13.    A Final Approval Hearing on the question of whether the proposed Settlement, Class  
20 Counsel Fees Payment and Class Counsel Litigation Expenses Payment to Class Counsel for  
21 attorneys’ fees and reasonable expenses incurred in connection with this Action, Class  
22 Representative Service Payment to each Plaintiff for their services in this Action, and  
23 Administration Expenses Payment to the Administrator should be approved as fair, reasonable, and  
24 adequate as to the Class and whether the Settlement should be given final approval is scheduled on:  
25 April 15, 2026 at 9:00 a.m. Plaintiffs shall file a motion for final approval of the  
26 Settlement no later than 16 court days prior to the Final Approval Hearing.

27          14.    The Settlement Agreement will not be construed as an admission or evidence of  
28 either liability or the appropriateness of class certification in the non-settlement context, as more

1 specifically set forth in the Settlement Agreement. Entry of this Order is without prejudice to the  
2 rights of Defendant to oppose certification of a class in this action should the proposed Settlement  
3 not be granted final approval. If, for any reason, the Court does not grant final approval of the  
4 Settlement, all evidence and proceedings held in connection therewith shall be without prejudice to  
5 the status quo ante rights of the parties to the litigation as more specifically set forth in the  
6 Settlement Agreement.

7 15. All further proceedings in this action are stayed except such proceedings necessary  
8 to review, approve, and implement this Settlement.

9 16. The Court finds that all required notifications and submissions to the California  
10 Labor and Workforce Development Agency ("LWDA") about the Settlement Agreement and  
11 Motion have been made by Plaintiffs in the time and manner specified under PAGA.

12 **IT IS SO ORDERED.**

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: Dec 10, 2025

  
\_\_\_\_\_  
Honorable Stephen E. Benson  
Judge of the Superior Court