

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

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

MARTIN ALDRETE and OMAR SALAZAR,
on behalf of other similarly situated employees
and the State of California under the Private
Attorneys General Act,

Plaintiffs,

v.

JAL EQUITY CORP., DBA
MARKETING.COM; SOUTHLAND
ENVELOPE, LLC; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 24CU003448C

Hon. Wendy M. Behan
Dept. 66

CLASS ACTION

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

Motion for Prelim. App. Hearing

Date: November 21, 2025

Time: 10:15 a.m.

[Filed concurrently with Notice of Motion and
Motion for Preliminary Approval of Class Action
Settlement, Memorandum of Points and Authorities,
and Declaration of Nicholas J. Ferraro]

Action Filed: July 29, 2024

1 This matter came on for hearing on November 21, 2025 at 10:15 a.m. in Department 66 of the
2 above-captioned Court on Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement
3 (“Motion”).

4 Having fully reviewed the Motion, the supporting Memorandum of Points and Authorities,
5 Declaration of Nicholas J. Ferraro (and its exhibits), including the Class Action and PAG Settlement
6 Agreement (“Settlement”), and the Class Notice attached as an exhibit to the Settlement, and in
7 recognition of the Court’s duties (to make a preliminary determination as to the reasonableness of any
8 proposed class action settlement; to ensure proper notice is provided to all class members in accordance
9 with due process requirements; and to set a final approval hearing to consider the good faith, fairness,
10 adequacy and reasonableness of the proposed Settlement), the Court makes the following
11 determinations and orders:

12 1. The Court conditionally finds, for the purpose of approving this Settlement only, the
13 proposed class meets the requirements for certification under § 382 of the California Code of Civil
14 Procedure: (a) the proposed class is ascertainable and so numerous joinder of all class members is
15 impracticable; (b) there are questions of law or fact common to the proposed class, and a well-defined
16 community of interest among members of the proposed class with respect to the subject matter of the
17 class action; (c) the claims of the class representatives are typical of the claims of the members of the
18 proposed class; (d) the class representatives appear to be adequate to serve in that role; (e) a class action
19 is superior to other available methods for an efficient adjudication of this controversy in the context of
20 the Settlement; and (f) counsel of record for the Plaintiffs are qualified to serve as class counsel.

21 2. The class is hereby defined and certified as: “all individuals currently or formerly
22 employed by Defendants in California as hourly, non-exempt employees during the Class Period [July
23 29, 2020, through July 6, 2025, or the date of preliminary approval, whichever is earlier]”.

24 3. The Court finds, on a preliminary basis, the Settlement, incorporated herein by this
25 reference in full, and made a part of this Order, appears to be within the range of reasonableness of a
26 settlement which could ultimately be granted final approval by the Court.

27 4. The Court further finds, on a preliminary basis, (a) the non-reversionary Gross
28 Settlement Amount is fair and reasonable to the class when balanced against the probable outcome of

1 further litigation relating to class certification, liability and damages issues, and potential appeals;
2 (b) sufficient investigation, research, and informal discovery, have been conducted such that counsel
3 for the parties are able to reasonably evaluate their respective positions; (c) settlement at this time will
4 avoid substantial costs, delay, and risks presented by further prosecution of the litigation; and (d) the
5 proposed Settlement was reached through prudent and non-collusive negotiations.

6 5. The Court finds the allocation from the common fund to PAGA penalties, including the
7 LWDA's 65% share, as fair, adequate, and reasonable in light of the overall gross settlement and that
8 the proposed settlement of PAGA penalties has been adequately submitted to the LWDA in advance of
9 the preliminary approval hearing. Therefore, the Court **APPROVES** the PAGA payment pursuant to
10 Labor Code § 2699(s)(2).

11 6. Accordingly, good cause appearing, the Motion for Order Granting Preliminary
12 Approval of Class Action Settlement is **GRANTED**.

13 7. Class members are therefore defined pursuant to the terms set forth in the Settlement.

14 8. The Court further finds the proposed notice fairly and adequately advises class members
15 of (a) pendency of the Settlement; (b) conditional class certification for settlement purposes only;
16 (c) preliminary Court approval of the proposed Settlement; (d) the date, time and place of the Final
17 Approval Hearing; (e) the terms of the proposed Settlement and the benefits available to the class under
18 the Settlement; (f) their right to receive a proportionate share of the Net Settlement Amount without
19 the need to return a claim form; (g) their right to request exclusion, and the procedures and deadline for
20 doing so; (h) their right to object to the Settlement, and the procedure and deadline for doing so; and
21 (i) their right to appear at the final approval hearing.

22 9. The Court further finds that the proposed notice constitutes the best practicable notice
23 to the Class and complies with all constitutional requirements, including those of due process. The
24 Court also finds that mailing the Notice to the last known addresses of all Class Members, with address
25 verification and skip tracing procedures for undeliverable mail as set forth in the Settlement, represents
26 an effective means of notifying Class Members of their rights concerning the Class Action and the
27 Settlement.

1 10. Therefore, for good cause, the Court **APPROVES** the notice for distribution to the class
2 pursuant to the notice procedures set forth in full in the Settlement.

3 Accordingly, it is **ORDERED** that:

4 a. Apex Class Action LLC be appointed the Administrator of the Settlement, as
5 more specifically set forth in the Settlement;

6 b. Ferraro Vega Employment Lawyers be appointed as class counsel;

7 c. Plaintiffs Martin Aldrete and Omar Salazar be appointed as class
8 representatives;

9 d. All deadlines, terms, and conditions set forth in the Settlement incorporated by
10 reference into this Order shall apply and govern the notice procedure and response deadlines;

11 e. Any class member who desires to object may appear in Court at the Final
12 Approval Hearing to present oral objections;

13 f. If for any reason the Court does not execute and file an Order Granting Final
14 Approval of Class Action Settlement, or if the Effective Date, as defined in the Settlement, does not
15 occur for any reason whatsoever, the Settlement and the proposed Settlement that is the subject of this
16 Order, and all evidence and proceedings had in connection therewith, shall be restored without
17 prejudice to the *status quo ante*, pursuant to the terms set forth in the Settlement.

18 11. **IT IS FURTHER ORDERED** that the Final Approval Hearing and a hearing on
19 Plaintiffs' Motion for Attorneys' Fees and Costs shall both be held before the undersigned at
20 _____ [hearing time] on _____ [hearing date], in this Department.

21 12. At the Final Approval Hearing, the Court will consider the fairness, adequacy, and
22 reasonableness of the proposed Settlement preliminarily approved in this Order and notice process to
23 be effectuated, and to consider the application for a class representative service payment to the class
24 representative, the administration expenses, attorneys' fees, and costs.

25 13. The Court reserves the right to continue the Final Approval Hearing without further
26 notice to the class. However, if written objections are submitted, class counsel is ordered to serve
27 notice on any such objecting class member of the new date and time of the Final Approval Hearing.

IT IS SO ORDERED.

Date: _____

The Honorable Wendy M. Behan
Judge of the Superior Court

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