



Superior Court of California, County of Sonoma
MINUTE ORDERS

SCV-269094

Lopez vs Foley Family Wines, Inc.

Date of Hearing: April 15, 2026
Time: 3:00 PM

Motion
Courtroom 18

Judicial Officer: Dana Beernink Simonds
Court Reporter: None

Courtroom Clerk: Donna Kamahele

Parties Present:

Chavez, Ommar Attorney for Plaintiff

Hearing:

Issue: Motion for Preliminary Approval of Class Action Settlement

Prior to Hearing:

The Court's tentative ruling is announced.
A timely request for oral argument was made.

Hearing:

The Court calls the matter.
Attorney, Ommar Chavez, is present via Zoom on behalf of Plaintiff.
Attorney Chavez does not oppose the Court's tentative ruling and requests clarification only.
The Court clarifies that Plaintiff is to file the Third Amended Complaint.
Order is signed and routed to the Clerk's Office for processing.

Upon conclusion, the Court ORDERS:

The Court's previously published tentative ruling is ADOPTED and reads as follows:

Plaintiff's unopposed motion for preliminary approval of class action settlement is **GRANTED**. The final approval hearing shall be set on August 26, 2026 at 3:00 p.m. in Department 18.

The Court will also sign the proposed stipulation and order for leave for Plaintiff Juan Antonio Lopez to file a third amended complaint lodged on March 18, 2026.

However, Plaintiff's Counsel shall submit a new proposed order on this motion because the current proposed order states that "The Court approves the filing of Plaintiff Lopez's Third Amended Complaint, which is deemed filed and is now the operative Complaint in this Action." This is in conflict with Local Rule 5.8, which disallows the clerk of Court from doing as such. Rather, "Proposed orders granting leave to file amendments...must specify that the original of the proposed pleading will be submitted for filing following the granting of the order." Accordingly, while the Court approves the filing of a Third Amended Complaint, it shall not be deemed filed and must still be filed according to the Rules of

Court. Since the motion is unopposed, compliance with Rule 3.1312 is excused.

Background:

Plaintiff Juan Antonio Lopez is a former non-exempt Operations Worker who worked at Defendant's Sebastiani winery location from July 2019 through September 2020. Plaintiff Alexander Read is a former non-exempt Tasting Room Associate who worked at Defendant's Foley Johnson location from July 2021 through August 2022. On August 18, 2021, Plaintiff Lopez filed a representative PAGA action and on September 28, 2022, Plaintiff Lopez filed a First Amended Complaint including additional facts regarding regular rate of pay claims. On April 1, 2025, Plaintiff Lopez filed a Second Amended Complaint adding class claims, which the Court permitted to relate back to the filing of the initial Complaint.

The parties engaged in a full day of mediation on November 12, 2025 and ultimately reached a resolution. On February 20, 2026, the Parties executed a Memorandum of Understanding ("MOU"). As a condition of the Settlement, the Parties stipulated to Plaintiff filing a Third Amended Complaint.

Plaintiffs' TAC adds Alexander Read as a Plaintiff and alleges causes of action for (1) violation of the Private Attorneys General Act of 2004 (Labor Code §§ 2698, et seq.); (2) failure to pay minimum and regular wages; (3) failure to pay overtime wages; (4) failure to provide compliant meal periods and/or pay premium wages; (5) failure to provide compliant rest periods and/or pay premium wages; (6) failure to reimburse for necessary business expenses; (7) failure to timely pay all wages due upon separation of employment and/or the required waiting time penalties; (8) failure to furnish accurate itemized wage statements; and (9) violation of Business & Professions Code §§ 17200, et seq. Plaintiffs allege they and all other Class Members were subject to the same or similar policies and practices and were denied certain rights afforded by California law.

Plaintiffs now seek preliminary approval of the settlement, approval of the parties' stipulation to the filing of a Third Amended Complaint, provisional certification of the Settlement Class for settlement purposes, and appointment of a class representative, class counsel, and a settlement administrator.

The Settlement

A presumption of fairness exists where: 1) the settlement is reached through arm's length bargaining; 2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; 3) counsel is experienced in similar litigation; and 4) the percentage of objectors is small. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1802.) The test is not the maximum amount plaintiff might have obtained at trial on the complaint but, rather, whether the settlement is reasonable under all of the circumstances. (*Wershba v. Apple Computer, Inc.* (2001) 91 Cal.App.4th 224, 250.)

Under the terms of the parties' settlement, Defendant will pay \$2,000,000 as the Gross Settlement Fund. The GSF will be allocated as follows:

PAGA Payment: The Parties will allocate \$100,000.00 as the PAGA Payment to resolve Plaintiffs' PAGA claims.

Class Counsel Fees Payment: Class Counsel will request attorneys' fees not to exceed one-

third (33 1/3%) of the GSA, which is currently estimated to be \$666,666.67.

Class Counsel Expenses Payment: Class Counsel will request reimbursement of actual litigation costs and expenses not to exceed \$55,000.00.

Class Representative Enhancement Payments: Juan Antonio Lopez will receive a Class Representative Enhancement Payment in an amount not to exceed \$15,000.00, and Alexander Read will receive a Class Representative Enhancement Payment in an amount not to exceed \$7,500.00.

Administration Expenses Payment: The Administrator will be paid an Administration Expenses Payment not to exceed \$17,390.00 in accordance with the Administrator's "not to exceed" bid.

Net Settlement Amount: The NSA is the amount remaining and to be paid to Participating Class Members as Individual Class Payments after deducting aforementioned payments from the GSF.

The settlement appears generally within the reasonable range of possible judicial approval. After subtracting all of the figures above, the net settlement amount is estimated to be \$1,138,443.33. This recovery appears to be sufficiently reasonable return for the relative strength of the case, the risks inherent to litigation, and the possible defenses asserted by Defendant at the preliminary approval stage.

The Class

Plaintiff seeks conditional certification of the settlement class in connection with approval of the settlement. The two basic requirements to sustain a class action are an ascertainable class and a well-defined community of interest in the questions of law and fact involved. (CCP § 382; *see also Vasquez v. Sup. Ct.* (1971) 4 Cal.3d 800, 809.)

The settlement class has been identified as all current and former non-exempt employees of Defendant in the State of California at any time from August 18, 2017, through April 20, 2026, or the date of Preliminary Approval, whichever occurs first. Members of the class can be ascertained from Defendant's records, and a class with an estimated 1,690 members is sufficiently numerous. The community-of-interest requirement embodies common questions of law or fact, a class representative with claims or defenses typical of the class, and a class representative who can adequately represent the class. (*Brinker Rest. Corp. v. Sup. Ct.* (2012) 53 Cal.4th 1004, 1021.) The Court concludes that these requirements are met. The Court would approve the class.

The Notice

"Notice given to the class must fairly apprise the class members of the terms of the proposed compromise and of the options open to dissenting class members." (*Trotsky v. Los Angeles Fed. Sav. & Loan Assn.* (1975) 48 Cal.App.3d 134, 151-152.) The purpose of a class notice in the context of a settlement is to give class members sufficient information to decide whether they should accept the benefits offered, opt out and pursue their own remedies, or object to the settlement. (*Ibid.*) The notice appears to fully apprise the class members of the relevant considerations. Therefore, preliminary approval appears appropriate.

Hearing Events/Documents Filed:

- Court announces tentative decision
- The Court adopts its previously published tentative ruling
- Signed Order Routed

-End of Minute Order-

Next Hearing(s) - Information current as of April 16, 2026:

August 26, 2026 3:00 PM

Status Report

Courtroom 18

Simonds, Dana Beernink

*For more information please contact the Clerk's Office at (707) 521-6500 during official business hours.
www.sonoma.courts.ca.gov*

PROOF OF SERVICE BY MAIL OR ELECTRONIC MAIL

I certify that I am an employee of the Superior Court of California, County of Sonoma, and that my business address is 600 Administration Drive, Santa Rosa, CA 95403; that I am not a party to this cause; that I am over the age of 18 years; that I am readily familiar with this office's practice for collection and processing of correspondence for mailing with the United States Postal Service; and that on the date shown below I placed a true copy of the following document: **MINUTE ORDERS dated April 15, 2026** in an envelope, sealed and addressed as shown below, for collection and mailing at Santa Rosa, California, first class, postage fully prepaid, following ordinary business practices or I electronically served by email to the person and electronic service email address listed below.

Date: April 16, 2026

Robert Oliver,
Clerk of the Court

By: Donna Kamahele
Donna Kamahele, Deputy Clerk

ELECTRONIC SERVICE ADDRESSES

Hali M. Anderson, handerson@archlegal.com
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