

FILED
Superior Court of California,
County of Kern
By: Mckie Fogerson
Deputy Clerk
04/30/2026

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7 Attorneys for Plaintiffs and the Proposed Class

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF KERN**

11 GUSTAVO ESPINOZA SAUCEDO,
individually, and on behalf of all others
12 similarly situated, and on behalf of other
aggrieved employees pursuant to the
13 California Private Attorney General Act;

14 Plaintiff,

15 vs.

16 FRUGATTI'S, INC., a California
corporation; and DOES 1 through 10,
17 inclusive,

18 Defendants.

Case No.: BCV-24-102593

[Assigned for All Purposes to:
Hon. Bernard C. Barmann, Division H]

**~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Hearing Information:

Date: April 30, 2026
Time: 8:30 a.m.
Division: H

1 On April 30, 2026, at 8:30 a.m. this matter came on for a hearing in Division H of the Superior
2 Court of the State of California, for the County of Kern. The Motion for Preliminary Approval of Class
3 Action Settlement filed by Plaintiff GUSTAVO ESPINOZA SAUCEDO (“Plaintiff”), on behalf of
4 themselves and a Settlement Class, and not opposed by Defendant FRUGATTI’S, INC.
5 (“Defendant”), came on for hearing in Department Division H of the Kern County Superior Court,
6 located at 1215 Truxtun Ave., Bakersfield, CA 93301. After full consideration of the evidence, the
7 pleadings and papers filed by the parties in connection therewith, arguments of counsel and all other
8 matters presented to the Court, and good cause having been shown, IT IS HEREBY ORDERED that
9 Plaintiff’s Motion for Preliminary Approval of Class Action Settlement is GRANTED based on the
10 conditions below.

11 NOW, THEREFORE, IT IS HEREBY ORDERED:

12 1. This Order incorporates by reference the definitions in the Settlement Agreement
13 (“Agreement” or “Settlement Agreement”), and all terms defined therein shall have the same
14 meaning in this Order as set forth in the Settlement Agreement attached as **Exhibit 1** to the
15 Declaration of Tiffany Hyun filed concurrently herewith.

16 2. The Court recognizes that the parties stipulate and agree to certification of a class
17 for settlement purposes only. For settlement purposes only, the Court conditionally certifies the
18 following settlement class (the “Class Members” or “Settlement Class”): “all persons who worked
19 for Defendant in California as hourly, non-exempt employees at any time during the Class
20 Period.” The “Class Period” means the period from August 2, 2020 through December 15, 2025,
21 or as modified pursuant to Paragraph 8 of the Agreement.

22 3. The Class also includes “Aggrieved Employees,” which is defined as “all persons
23 who worked for Defendant in California as hourly, non-exempt employees at any time during the
24 PAGA Period.” “PAGA Period” means the period from August 2, 2023 to December 15, 2025
25 or as modified pursuant to Paragraph 8 of the Agreement.

26 4. The Court finds, for settlement purposes only, the requirements of California Code
27 of Civil Procedure section 382 are satisfied. The term “Participating Class Member” means a Class
28 Member who does not submit a valid and timely opt-out of the Settlement.

1 plan of allocation contained in the Settlement Agreement should be approved as fair, adequate and
2 reasonable to the Class Members; and to finally approve Class Counsels' Fees and Costs Award,
3 the Class Representative Enhancement Payments, the PAGA payment to the LWDA and the
4 settlement administration expenses. The Final Approval hearing may be continued without further
5 notice.

6 8. The Parties shall file a Motion for Final Approval on or before sixteen (16) court
7 days prior to the hearing.

8 9. The Court hereby appoints Apex Class Action Administration as Settlement
9 Administrator and hereby directs the Settlement Administrator to mail or cause to be mailed to
10 Class Members (including the Aggrieved Employees) the Notice by first class mail within fourteen
11 (14) calendar days after the receipt of the Class Data from Defendant using the procedures set forth
12 in the Settlement Agreement. Class Members who do not opt out of the non-PAGA portion of the
13 settlement will become Participating Class Members and will automatically receive their
14 Individual Settlement Payment.

15 10. The Court hereby approves, as to form and content, the Notice of Class Action
16 Settlement and Hearing Date for Final Court Approval attached as **Exhibit 4** to the Declaration of
17 Tiffany Hyun filed concurrently herewith. The Court finds that the distribution of the Notice of
18 Class Action Settlement substantially in the manner and form set forth in the Settlement
19 Agreement and this Order meets the requirements of due process, is the best notice practicable
20 under the circumstances, and shall constitute due and sufficient notice to all persons entitled
21 thereto.

22 11. The Court reserves the right to adjourn or continue the date of the final approval
23 and all dates provided for in the Settlement Agreement without further notice and retains
24 jurisdiction to consider all further applications arising out of or connected with the proposed
25 Settlement.

1 IT IS SO ORDERED.

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Dated: April 30, 2026

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JUDGE OF THE SUPERIOR COURT

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Bernard C. Barmann, Jr.

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2 **PROOF OF SERVICE**

3 Case No.: BCV-24-102593
4 *Saucedo v. Frugatti's, Inc*

5 **STATE OF CALIFORNIA COUNTY OF KERN**

6 I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a
7 party to the within suit. The name and address of my residence or business is The Sentinel Firm,
8 APC, 707 Wilshire Blvd., Suite 4700, Los Angeles, CA 90017. On the date indicated below, I served
9 the document described as:

10 **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL**
11 **OF CLASS ACTION SETTLEMENT**

12 by placing (the original) (a true copy thereof) in a sealed envelope addressed as follows:

13 **LEBEAU THELEN, LLP**
14 Attorneys for Defendant Frugatti's, Inc.
15 Daniel K. Klingenberger (dklingenberger@lebeauthelen.com)
16 Matthew J. Dobbs (mdobbs@lebeauthelen.com)
17 Sissy Rucker (srucker@lebeauthelen.com)
18 Jennifer Chamberlain (jchamberlain@lebeauthelen.com)
19 Sabrina Rodriguez (srodriguez@lebeauthelen.com)
20 9801 Camino Media, Suite 103
21 Bakersfield, CA 93311

22 **BY EMAIL:** I hereby certify that this document was served from Los Angeles, California, by e-
23 mail delivery on the parties listed herein at their most recent known e-mail address from e-
24 mail mellinda.hensley@thesentinel.com pursuant to California Rules of Court. I did not
25 receive, within a reasonable time after the transmission, any electronic message or other
26 indication that the transmission was unsuccessful

27 I declare under penalty of perjury under the laws of the State of California that the above is true
28 and correct.

Executed on March 23, 2026, at Los Angeles, California.

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