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MICHAEL GIULIVO, JOHNNIE SILVESTRE and MICHELLE RODRIGUEZ,
Individually, and on behalf of other members of the general public
Similarly situated

[Additional Counsel Listed on the Next Page]

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE**

MICHAEL GIULIVO, JOHNNIE
SILVESTRE, MICHELLE RODRIGUEZ,
and WILLIAM DAVIS, individually, and
on behalf of other members of the general
public similarly situated, and as aggrieved
employees pursuant to the Private Attorneys
General Act (“PAGA”),

Plaintiffs,

vs.

ALBERTSON’S LLC, a Delaware limited
liability company; and DOES 1 through 100,
inclusive,

Defendants.

Case No. 22STCV13807

Related Case: 21AVCV00910

Assigned For All Purposes To:
Judge: Timothy Patrick Dillon

**STIPULATION TO AMEND ORDER
PRELIMINARILY APPROVING CLASS
ACTION AND PAGA SETTLEMENT;
~~PROPOSED~~ ORDER**

Complaint filed: April 26, 2022
Trial: Not Set

FILED
Superior Court of California
County of Los Angeles
04/09/2026
David W. Slayton, Executive Officer / Clerk of Court
By: E. Martinez Deputy

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Attorneys for Defendants Albertsons Companies, Inc. and Albertson's LLC

1 **STIPULATION**

2 Plaintiff Michael Giulivo, Johnnie Silvestre, Michelle Rodriguez, and William Davis
3 (“Plaintiffs”) and Defendant Albertson’s LLC (“Defendant”) (collectively the “Parties”), by and
4 through their respective counsel of record, stipulate as follows¹:

5 WHEREAS, on May 22, 2025, Plaintiffs filed a Motion for Preliminary Approval of Class
6 Action and PAGA Settlement (the “Motion”), which the Court granted on March 25, 2026
7 (“Preliminary Approval Order”) following supplemental briefing;

8 WHEREAS, the Court’s Preliminary Approval Order appointed Apex Class Action LLC.
9 (“Apex”) to act as the Settlement Administrator pursuant to the terms of the Parties’ Settlement
10 Agreement;

11 WHEREAS, the settlement administration expenses amount requested by the parties and
12 approved by the Court as based on a bid provided by Apex., which set forth Apex’s cost estimate
13 to administer the settlement in the amount of \$104,500.00;

14 WHEREAS, following the Preliminary Approval Order, Apex informed the Parties that the
15 estimate provided did not contemplate the scope of the notice ultimately approved by the Court,
16 and that, after applying all available discounts, the cost to administer the settlement as approved
17 would increase to \$145,750.00. (*See* Second Supplemental Declaration of James R. Hawkins in
18 Support of Plaintiff’s Motion for Preliminary Approval of Class Action and PAGA Settlement
19 [“Second Suppl. Decl. of James R. Hawkins”] ¶ 5, Ex. D (Declaration of Madely Neva of Apex.);

20 WHEREAS, the Parties met and conferred on how to fully effectuate and carry out the terms
21 of the Settlement Agreement in good faith and in a cooperative manner (*see* Second Supp. Decl. of
22 James R. Hawkins ¶ 7);

23 WHEREAS, pursuant to the Amended Settlement agreement, which was approved by the
24 Court, the Administration expenses may be increased where there is showing of good cause, the
25 Parties. (Settlement Agreement ¶ 3.3.3).

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28 ¹ This Stipulation incorporates the definitions of defined terms from the Parties’ Class Action and PAGA
Representative Action Settlement Agreement.

1 WHEREAS, the Parties entered into a Second Addendum to the Class and PAGA
2 Representative Action Settlement Agreement to revise the amount allocated to “Administration
3 Expenses”—to embrace Apex’s increased cost estimate of \$145,750.00.—which is attached as
4 Exhibit D to the Second Suppl. Decl. of James R. Hawkins;

5 WHEREAS, the Parties seek to fully effectuate and carry out the terms of the Settlement
6 Agreement by obtaining an Order from the Court amending the Preliminary Approval Order to
7 (1) approve Settlement Administration Expenses in the amount of \$145,750.00, (2) approve the
8 proposed Notice of Class and PAGA Representative Action Settlement in the form attached as
9 Exhibit E to the Second Suppl. Decl. of James R. Hawkins; and (3) direct Apex to mail the Notice
10 of Class and PAGA Representative Settlement Agreement to the Class Members and PAGA
11 Members with seven (7) calendar days of this Court’s Order approving this Stipulation; and

12 WHEREAS, the Parties anticipate that this Stipulation will impact the currently scheduled
13 final approval hearing date on August 17, 2026, at 10:00 a.m., and therefore respectfully request
14 that the final approval hearing date be continued to September 7, 2026, at 10:00 a.m., or as soon
15 thereafter as the Court has availability.

16 Accordingly, the Parties hereby stipulate to and respectfully request that the Court enter an
17 amended order to amend the Preliminary Approval Order as follows:

- 18 1. Approving Settlement Administration Expenses not to exceed \$145,750.00 to be
19 paid from the Gross Settlement Amount;
- 20 2. Approving the proposed Notice of Class and PAGA Representative Action
21 Settlement in the form attached as Exhibit E to the Second Suppl. Decl. of James R.
22 Hawkins;
- 23 3. Directing the Settlement Administrator to mail proposed Notice of Class and PAGA
24 Representative Action Settlement to Class Members and PAGA Members within
25 seven (7) calendar days of the Court’s Order approving this Stipulation; and
- 26 4. Continuing the final approval hearing date from August 17, 2026, at 10:00 a.m., and
27 therefore respectfully request that the final approval hearing date be continued to
28 September 7, 2026, at 10:00 a.m., or as soon thereafter as the Court has availability.

1 Dated: April 6, 2026,
2

JAMES HAWKINS APLC

3 By: /s/James R. Hawkins

4 James R. Hawkins, Esq.
5 Christina M. Lucio, Esq.

6 *Attorneys for Plaintiffs*
7 JOHNNIE SILVESTRE and MICHELLE
8 RODRIGUEZ

9 Dated: April 6, 2026,
10

THE BAINER LAW FIRM

11 By: /s/ Matthew R. Bainer (With Permission)

12 Matthew R. Bainer, Esq.

13 *Attorneys for Plaintiffs*
14 JOHNNIE SILVESTRE

15 Dated: April 6, 2026,
16

THE NOURMAND LAW FIRM, APC

17 By: /s/ Michael Nourmand (With Permission)

18 Michael Nourmand, Esq.
19 James A. De Sario, Esq.

20 *Attorneys for Plaintiff*
21 WILLIAM DAVIS

22 Dated: April 6, 2026,
23

PAYNE & FEARS LLP

24 By: /s/ Jeffery K. Brown (With Permission)

25 Jeffrey K. Brown, Esq.
26 Tyler B. Runge, Esq.
27 Taylor B. Brown, Esq.

28 *Attorneys for Defendant*
ALBERTSON'S LLC

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~~PROPOSED~~ ORDER

The Court, having considered the Stipulation to Amend Order Preliminarily Approving Class Action and PAGA Settlement submitted by Plaintiff Michael Giulivo, Johnnie Silvestre, Michelle Rodriguez, and William Davis (“Plaintiffs”) and Defendant Albertson’s LLC (“Defendant”) (collectively the “Parties”), and good cause appearing therefor, hereby ORDERS as follows:

1. Settlement Administration Expenses not to exceed \$145,750.00 shall be paid from the Gross Settlement Amount;
2. The proposed Notice of Class and PAGA Representative Action Settlement in the form attached as Exhibit E to the Second Suppl. Decl. of James R. Hawkins is approved; and
3. The Settlement Administrator shall mail the Notice of Class and PAGA Representative Action Settlement to Class Members and PAGA Members within seven (7) calendar days of this Order.
4. The final approval hearing date currently scheduled for August 17, 2026, at 10:00 a.m. is continued to 09/30/2026 at 10 AM.

IT IS SO ORDERED.

Dated: 04/09/2026



THE HONORABLE TIMOTHY PATRICK DILLON

Timothy Patrick Dillon / Judge

1 **PROOF OF SERVICE, COUNTY OF ORANGE**

2 I am a resident of the State of California, County of Orange. I am over the age of eighteen
3 years and not a party to the within action. My business address is 9880 Research Drive., Suite
4 200, Irvine, California 92618.

5 On April 6, 2026, I served on the interested parties in this action the following document(s)
6 entitled:

7 -STIPULATION TO AMEND ORDER PRELIMINARILY APPROVING CLASS ACTION
8 AND PAGA SETTLEMENT; [PROPOSED] ORDER

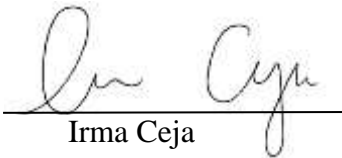
9 **[XX] BY CASEANYWHERE:** Via electronic filing service provider—
10 electronically transmitting the documents listed above to CaseAnywhere, an electronic filing
11 service provider, at www.caseanywhere.com pursuant to the Court’s Order Authorizing
12 Electronic Service. The transmission(s) was reported as complete and without error to the
13 addresses as stated on the service list below.

14 **SERVICE LIST**

15 *Please see page attached*

16 **[X] STATE:** I declare under penalty of perjury, under the laws of the State of California, that the
17 above is true and correct.

18 Executed on April 6, 2026, at Irvine, California.

19 
20 Irma Ceja

1 **SERVICE LIST**

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