

RECEIVED NOT FILED  
Superior Court of California,  
Inyo County  
04/30/2026 at 03:15:51 PM  
By: Uli Felgar, Deputy Clerk

**FILED**

JUN 12 2026

INYO CO. SUPERIOR COURT  
ALI R. McLAURRY, CLERK  
DEPUTY

BY *f. Burch*

1 Christina M. Lucio (SBN 253677)  
2 christina@emplawllp.com  
3 Mitchell J. Murray (SBN 285691)  
4 mitchell@emplawllp.com  
5 Nicholas W. Schieffelin (SBN 302329)  
6 nick@emplawllp.com  
7 **EMPLAW, LLP**  
8 2235 Encinitas Boulevard, Suite 210  
9 Encinitas, California 92024  
10 Telephone: (760) 942-9433

11 Attorneys for Plaintiff PHILLIP POWELL, individually,  
12 and on behalf of himself and all others similarly situated

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **FOR THE COUNTY OF INYO**

15 PHILLIP POWELL and ANGEL  
16 GONZALEZ, on behalf of themselves and all  
17 others similarly situated,

18 Plaintiffs,

19 v.

20 R & S BEVERAGE COMPANY LP, a  
21 California limited partnership; and DOES 1  
22 through 50, inclusive,

23 Defendants.

Case No. 24UC70842

Assigned for All Purposes to:  
Hon. Stephen Place  
Dept: 1

**ORDER GRANTING PRELIMINARY  
APPROVAL OF CLASS ACTION AND  
PAGA SETTLEMENT AGREEMENT,  
APPROVAL OF NOTICE TO CLASS  
MEMBERS, APPROVAL OF  
SETTLEMENT ADMINISTRATOR,  
AND SETTING HEARING FOR FINAL  
APPROVAL OF SETTLEMENT**

COMPLAINT FILED: June 7, 2024  
FAC FILED: APRIL 10, 2026

1 This matter, having come before the Honorable Stephen Place of the Superior Court of the State  
2 of California, in and for the County of Inyo, on June 12, 2026, for the Motion by Plaintiffs Phillip  
3 Powell and Angel Gonzalez ("Plaintiffs") for Preliminary Approval of the Class Action and PAGA  
4 Settlement that resolves the claims alleged by Plaintiffs and the Class against Defendant R & S  
5 Beverage Company LP ("Defendant") (collectively referred to herein as the "Parties"). The Court,  
6 having considered the briefs, argument of counsel and all matters presented to the Court, and good  
7 cause appearing, hereby GRANTS Plaintiffs' Motion for Preliminary Approval of Class Action and  
8 PAGA Settlement.

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

10 1. The Court provisionally certifies the following Class for purposes of settlement: all  
11 persons who are or were employed by Defendant as exempt and non-exempt employees who worked  
12 in the State of California at any time during the period from June 7, 2024 through the date of preliminary  
13 approval ("Class Period").

14 2. The Court preliminarily appoints Plaintiffs as Class Representatives for purposes of  
15 settlement only;

16 3. The Court appoints Christina Lucio, Mitchell Murray, and Nicholas Schieffelin of  
17 EmpLaw, LLP, and Roman Otkupman of Otkupman Law Firm as Class Counsel for purposes of  
18 settlement;

19 4. The Court preliminarily approves the class action portion of the Settlement as fair,  
20 adequate, and reasonable, and approves the PAGA portion of the settlement based upon the terms set  
21 forth in the Class Action and PAGA Settlement Agreement (the "Settlement"), including payment by  
22 Defendant of the non-reversionary Gross Settlement Amount of \$277,500.00;

23 5. The Court preliminarily approves payment of reasonable attorneys' fees and costs from  
24 the Gross Settlement Amount in an amount of up to 33 1/3% of the Gross Settlement Amount (\$92,500),  
25 plus actual litigation costs up to \$16,640.00;

26 6. The Court preliminarily approves the Class Representatives' Service Payments to  
27 Plaintiffs in an amount of up to \$2,500.00 each from the Gross Settlement Amount to compensate them  
28

1 for the burden, responsibility, time, effort, and risk involved in coming forward on behalf of the Class  
2 and for their general releases of claims broader than the Class release;

3 7. The Court approves payment to the LWDA of 75% of the \$15,500.00 allocated to PAGA  
4 penalties (\$11,625.00) from the Gross Settlement Amount;

5 8. The Court preliminarily approves Apex Class Action LLC as the Settlement  
6 Administrator and further approves distribution of up to \$5,790.00 from the Gross Settlement Amount  
7 to cover the Settlement Administrator's expenses in administering this Settlement;

8 9. The Court orders Defendant to direct the distribution to the Class of the Notice of Class  
9 Action and PAGA Settlement (the "Class Notice"), including notice of the opportunity to exclude  
10 oneself from, or object to, the Settlement (except for its PAGA component); and

11 10. The Final Fairness and Approval Hearing shall be held on Oct. 23, 2026 at  
12 1:00 PM, before the Honorable Stephen Place, in Department 1 in the Superior Court of  
13 California, Inyo County, in the Independence Courthouse located at 168 North Edwards Street,  
14 Independence, CA 93526. At that time, the Court shall determine, following dissemination of Notice  
15 to the Class, whether to grant final approval to the Settlement.

16 **IT IS SO ORDERED.**

17  
18 DATED: June 12, \_\_\_\_\_, 2026

  
\_\_\_\_\_  
19 HON. STEPHEN PLACE  
20 JUDGE OF THE SUPERIOR COURT  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF SERVICE**

**CASE NUMBER: 24UC70842**

**POWELL VS R & S BEVERAGE COMPANY LP**

I, Linda S Burton the undersigned, say: I am a citizen of the United States, a resident or employed in the County of Inyo, over the age of eighteen years, and not a party to the within action; that my business address is 168 N EDWARDS ST, INDEPENDENCE, CA 93526 that on June 15, 2026 served a copy of the foregoing document(s) described as:

**ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT AGREEMENT, APPROVAL OF NOTICE TO CLASS MEMBERS, APPROVAL OF SETTLEMENT ADMINISTRATOR, AND SETTING HEARING FOR FINAL APPROVAL OF SETTLEMENT**

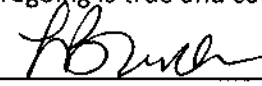
(X) **BY MAIL:** I am readily familiar with the practice of Inyo County in the collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at, Bishop, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. Said copy was mailed as indicated below:

[nick@emplawllp.com](mailto:nick@emplawllp.com)

[Annalyse.Butler@jacksonlewis.com](mailto:Annalyse.Butler@jacksonlewis.com)

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: June 15, 2026



\_\_\_\_\_  
Deputy Court Clerk