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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF ALAMEDA**

12 MILES JOURDAN, individually, and on behalf
13 of all others similarly situated,

14 *Plaintiff,*

15 v.

16 ONE THE CHEESE STEAK SHOP, LLC, a
California limited liability company; and DOES
17 1 through 10, inclusive,

18 *Defendants.*

Case No.: 23CV048329

[Related Case No.: 24CV075887]

[Assigned for All Purposes to the Hon.
Patrick McKinney, Dept. 18]

**~~[REVISED PROPOSED]~~ ORDER
GRANTING PLAINTIFF'S MOTION
FOR PRELIMINARY APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT**

Preliminary Approval Hearing:

Date: June 24, 2026

Time: 1:30 p.m.

Dept: 18

Action Filed: October 18, 2023

FILED
Superior Court of California
County of Alameda
06/25/2026

Clerk of the Court, Executive Officer / Clerk of the Court
By: A. Ampornah Deputy
A. Ampornah

~~PROPOSED~~ ORDER

Having reviewed Plaintiff Miles Jourdan's ("Plaintiff") Motion for Preliminary Approval of Class Action and PAGA Settlement ("Motion"), the Declaration of John G. Yslas, the Declaration of Miles Jourdan, the Declaration of Courtney M. Miller, and the Amended Class Action and PAGA Settlement Agreement ("Settlement Agreement"), and good cause appearing, the Court finds and HEREBY ORDERS THE FOLLOWING:

1. The Court finds on a preliminary basis that the Settlement Agreement appears to be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval. The Court grants preliminary approval of the Settlement and the Settlement Class based on the terms set forth in the Settlement Agreement between Plaintiff and Defendant One The Cheese Steak Shop, LLC ("Defendant"), attached to the Declaration of Courtney M. Miller in Support of Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement as **Exhibit 2**.

2. The Settlement falls within the range of reasonableness of a settlement which could ultimately be given final approval by this Court, and appears to be presumptively valid, subject only to any objections that may be raised at the Final Approval Hearing and final approval by this Court. The Court notes that Defendant has agreed to create a common fund of \$391,160.00 to cover (a) settlement payments to Class Members who do not validly opt out; (b) a \$20,000.00 allocation toward civil penalties under the Private Attorneys General Act of 2004 ("PAGA"), 75% of which (\$15,000.00) will be paid to California's Labor & Workforce Development Agency ("LWDA") and 25% of which (\$5,000.00) will be paid to Aggrieved Employees; (c) a Service Award of up to \$7,500.00 to Plaintiff; (d) Class Counsel Fees Payment not to exceed one third (1/3) of the Gross Settlement Amount (currently estimated to be \$130,386.67), and a Class Counsel Litigation Expenses Payment of up to \$27,000.00 for actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to \$10,250.00.

3. The Court preliminarily finds that the terms of the Settlement appear to be within the range of possible approval, pursuant to California Code of Civil Procedure § 382 and

1 applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair
2 and reasonable to the Class Members when balanced against the probable outcome of further
3 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
4 significant informal discovery, investigation, research, and litigation have been conducted such
5 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
6 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
7 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as
8 the result of intensive, serious, and non-collusive negotiations between the Parties with the
9 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
10 that the Settlement Agreement was entered into in good faith.

11 4. A final approval hearing on the question of whether the proposed Settlement,
12 Class Counsel Fees Payment and Class Counsel Litigation Expenses Payment, payment to
13 LWDA for its share of the settlement of claims for penalties under PAGA, and the Class
14 Representative Service Payment should be finally approved as fair, reasonable and adequate as
15 to the members of the Class is hereby set in accordance with the Implementation Schedule set
16 forth below.

17 5. The Court provisionally certifies for settlement purposes only the following class
18 (the “Class”): “all persons who worked for Defendant in California as an hourly paid or non-
19 exempt employee at any time during the Class Period.”

20 6. “Class Period” means the period from April 23, 2019, through May 13, 2025.

21 7. The Court finds, for settlement purposes only, that the Settlement Class meets the
22 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the
23 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions
24 of law and fact that are common, or of general interest, to all Settlement Class Members, which
25 predominate over individual issues; (3) Plaintiff’s claims are typical of the claims of the
26 Settlement Class Members; (4) Plaintiff and Class Counsel will fairly and adequately protect
27 the interests of the Settlement Class Members; and (5) a class action is superior to other
28 available methods for the fair and efficient adjudication of the controversy.

8. The Court appoints as Class Representative, for settlement purposes only, Plaintiff Miles Jourdan. The Court further preliminarily approves Plaintiff's ability to request an incentive award up to \$7,500.00.

9. The Court appoints, for settlement purposes only, John G. Yslas, Jeffrey C. Bils, Mohamed Bholat, Emily K. Borman, and Courtney M. Miller of Wilshire Law Firm, PLC, as Class Counsel. The Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to one third (1/3) of the Gross Settlement Amount (currently estimated to be \$130,386.67), and litigation costs not to exceed \$27,000.00.

10. The Court appoints Apex Class Action LLC as the Settlement Administrator with reasonable administration costs estimated not to exceed \$10,250.00.

11. The Court approves, as to form and content the revised Class Notice, attached to the Declaration of Courtney M. Miller as Exhibit 4. The Court finds on a preliminary basis that plan for distribution of the Notice to Settlement Class Members satisfies due process, provides the best notice practicable under the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

12. The Parties are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

13. Any Class Member who does not timely and validly request exclusion from the Settlement may object to the Settlement Agreement.

14. The Court orders the following Implementation Schedule:

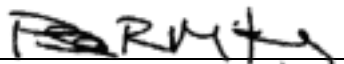
Event	Timing
Class Data: Last day for Defendant to provide Class Data to the Settlement Administrator	30 days after the Court grants Preliminary Approval of the Settlement
Class Notice: Last day for Administrator to mail the Class Notice to Class Members	14 days after receipt of the Class Data

Response Deadline: Last day for Class Members to submit written objections, challenges to workweeks and/or pay periods, and requests for exclusion	60 days after Class Notice is mailed out by the Administrator with an additional 14 days for Class Members to whom the Class Notice is resent
Filing Deadline: Last day to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Class Representative Service Payment to Plaintiff	16 court days before the Final Approval Hearing
Final Approval Hearing	<u>November 18</u> , 2026, at <u>1:30</u> a.m. /p.m. in Dept. 18 of the above-referenced Court.

15. The Court further ORDERS that, pending further order of this Court, all proceedings in this lawsuit, except those contemplated herein and in the Settlement are stayed.

IT IS SO ORDERED.

DATE: June 25, 2026


HON. PATRICK MCKINNEY
JUDGE OF THE SUPERIOR COURT
Patrick McKinney / Judge