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

ANGELICA PEPPER, JAVIER MARIN,
MARIA ELENA PACE, MATTHEW
SHACHNO, and IVAN MARTINEZ,
individually, and on behalf of all others similarly
situated,

Plaintiffs,

v.

RIDGECREST SHS PAYROLL, LLC, a
California limited liability company;
DRIFTWOOD HOSPITALITY
MANAGEMENT II, LLC, a Delaware limited
liability company; 8757 MV PAYROLL, LLC, a
California limited liability company; and DOES
1 through 10, inclusive,

Defendants.

Case No.: BCV-23-103603

*[Assigned for All Purposes to the Hon.
Bernard C. Barmann, Jr., Division H]*

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION AND PAGA SETTLEMENT**

Preliminary Approval Hearing:

Date: June 23, 2026

Time: 8:30 a.m.

Div.: H

Action Filed: October 26, 2023

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MATTHEW SHACHNO and IVAN MARTINEZ

1 ~~PROPOSED~~ ORDER

2 Having reviewed Plaintiffs Angelica Pepper, Javier Marin, Maria Elena Pace, Matthew
3 Shachno, and Ivan Martinez's (collectively "Plaintiffs") Motion for Preliminary Approval of
4 Class Action and PAGA Settlement ("Motion"), the Declaration of John G. Yslas, the
5 Declaration of Angelica Pepper, the Declaration of William L. Marder, the Declaration of Max
6 W. Gavron, the Declaration of Larry W. Lee, the Declaration of Edward W. Choi, the
7 Declaration of Shani O. Zakay, the other Declarations in support, and the Class Action and
8 PAGA Settlement Agreement ("Settlement Agreement"), and good cause appearing, the Court
9 finds and HEREBY ORDERS THE FOLLOWING:

10 1. The Court finds on a preliminary basis that the Settlement Agreement appears to
11 be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval.
12 The Court grants preliminary approval of the Settlement and the Settlement Class based on the
13 terms set forth in the Settlement Agreement between Plaintiffs and Defendants Ridgecrest SHS
14 Payroll, LLC; Driftwood Hospitality Management II, LLC; and 8757 MV Payroll, LLC
15 (collectively "Defendants"), attached to the Declaration of John G. Yslas in Support of
16 Plaintiffs' Motion for Preliminary Approval of Class Action and PAGA Settlement as **Exhibit 5**.

17 2. The Settlement falls within the range of reasonableness of a settlement which
18 could ultimately be given final approval by this Court, and appears to be presumptively valid,
19 subject only to any objections that may be raised at the Final Approval Hearing and final
20 approval by this Court. The Court notes that Defendant has agreed to create a common fund of
21 \$1,149,000.00 to cover (a) settlement payments to Class Members who do not validly opt out;
22 (b) a \$100,000.00 allocation toward civil penalties under the Labor Code Private Attorneys
23 General Act of 2004 ("PAGA"), 75% of which (\$75,000.00) will be paid to California's Labor
24 & Workforce Development Agency ("LWDA") and 25% of which (\$25,000.00) will be paid to
25 PAGA Members; (c) a Class Representative Service Payment of up to \$10,000.00 to each of the
26 Plaintiffs (\$50,000.00 total); (d) Class Counsel's attorneys' fees not to exceed 35% of the Gross
27 Settlement Amount (currently estimated to be \$402,150.00), and up to \$37,000.00 in costs for
28 actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs

1 of up to \$8,550.00.

2 3. The Court preliminarily finds that the terms of the Settlement appear to be within
3 the range of possible approval, pursuant to California Code of Civil Procedure § 382 and
4 applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair
5 and reasonable to the Class Members when balanced against the probable outcome of further
6 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
7 significant informal discovery, investigation, research, and litigation have been conducted such
8 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;
9 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented
10 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as
11 the result of intensive, serious, and non-collusive negotiations between the Parties with the
12 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds
13 that the Settlement Agreement was entered into in good faith.

14 4. A final approval hearing on the question of whether the proposed Settlement,
15 attorneys' fees and costs to Class Counsel, payment to the LWDA for its share of the settlement
16 of claims for penalties under PAGA, and the Class Representative Service Payments should be
17 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set
18 in accordance with the Implementation Schedule set forth below.

19 5. The Court provisionally certifies for settlement purposes only the following class
20 (the "Class"): "all current and former non-exempt employees who performed work for
21 Defendants in California at any time during the Class Period" and "all employees who were
22 paid wages for work performed for Defendant in California during the Class Period," together.

23 6. "Class Period" means the period from October 26, 2019 to August 6, 2025.

24 7. "PAGA Members" means all current or former exempt and non-exempt
25 employees who performed work for Defendants in California at any time during the PAGA
26 Period.

27 8. "PAGA Period" means December 29, 2022, through August 6, 2025.

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

9 10. The Court appoints as Class Representatives, for settlement purposes only,
10 Plaintiffs Angelica Pepper, Javier Marin, Maria Elena Pace, Matthew Shachno, and Ivan
11 Martinez. The Court further preliminarily approves Plaintiffs' ability to each request an
12 incentive award of up to \$10,000.00 (\$50,000.00 total).

13 11. The Court appoints, for settlement purposes only, John G. Yslas, Diego Aviles,
14 Harry Erganyan, Mariam Nazaretyan, Emily K. Borman, and Courtney M. Miller of Wilshire
15 Law Firm, PLC; Larry W. Lee and Max A. Gavron of Diversity Law Group, P.C.; Edward W.
16 Choi of Law Offices of Choi & Associates; William L. Marder of Polaris Law Group LLP; Jean-
17 Claude Lapuyade, Monnett De La Torre, and Andrea Amaya of JCL Law Firm, APC; and Shani
18 O. Zakay of Zakay Law Group, APLC as Class Counsel. The Court further preliminarily
19 approves Class Counsel's ability to request attorneys' fees of up to 35% of the Gross Settlement
20 Amount (currently estimated to be \$402,150.00), and litigation costs not to exceed \$37,000.00.

21 12. The Court appoints Apex Class Action as the Settlement Administrator with
22 reasonable administration costs estimated not to exceed \$8,550.00.

23 13. The Court approves, as to form and content the Class Notice, attached to the
24 Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the
25 Notice to Settlement Class Members satisfies due process, provides the best notice practicable
26 under the circumstances, and shall constitute due and sufficient notice to all persons entitled
27 thereto.

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14. The Parties and Administrator are ordered to carry out the Settlement according to the terms of the Settlement Agreement.

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

16. The Court orders the following Implementation Schedule:

Event	Timing
Employee Data: Last day for Defendant to provide Employee Data to the Administrator	21 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 Employee Data
Response Deadline: Last day for Class Members to submit written objections, challenges to workweeks and/or pay periods, and requests for exclusion	45 days after Class Notice is mailed out by the Administrator (with an additional 14 days for Class Members whose Class Notice was remailed)
Filing Deadline: Last day to file Motion for Final Approval, Request for Attorneys' Fees and Costs, and Class Representative Service Payments to Plaintiffs	16 court days before the Final Approval Hearing
Final Approval Hearing	October 13, 2026, at 8:30 a.m./ p.m. in Division H of the above-referenced Court.

17. 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 23, 2026


HON. BERNARD C. BARMANN, JR.
JUDGE OF THE SUPERIOR COURT