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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF MONTEREY**

17 ESPARANZA RUIZ-SANTIAGO, individually,
18 and on behalf of all others similarly situated,

19 *Plaintiff,*

20 v.

21 JESSE AND EVAN, INC., a California
22 corporation; and DOES 1 through 10, inclusive,

23 *Defendants.*

24 Lead Case No.: 24CV002683
25 [Consolidated with Case No.: 24CV005393]

26 *Assigned for All Purposes to:*
27 *Hon. Thomas W. Wills*
28 *Dept. 15*

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

PRELIMINARY APPROVAL HEARING:

Date: February 6, 2026
Time: 8:30 a.m.
Dept.: 15

Class Complaint Filed: June 27, 2024
PAGA Complaint Filed: December 18, 2024

~~**[PROPOSED]**~~ **ORDER**

Having reviewed plaintiff Esperanza Ruiz-Santiago's ("Plaintiff") Motion for Preliminary Approval of Class Action and PAGA Settlement ("Motion"), the Declaration of John G. Yslas, the Declaration of Courtney M. Miller, and the Class and PAGA Representative Action Settlement Agreement as amended by the Amendment to Class and PAGA Representative Action Settlement Agreement (collectively "Settlement Agreement"), and good cause appearing, the Court finds and orders as follows:

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. The Settlement Agreement is attached to the Declaration of John G. Yslas in Support of Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement as **Exhibit 1**, and the Declaration of Courtney M. Miller in Support of Plaintiff's Motion for Preliminary Approval of Class Action and PAGA Settlement as **Exhibit 1**.

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 \$800,000.00 to cover (a) settlement payments to Class Members who do not validly opt out; (b) a \$16,000.00 allocation toward civil penalties under the Private Attorneys General Act, 65% of which (\$10,400.00) will be paid to the State of California, Labor & Workforce Development Agency and 35% of which (\$5,600.00) will be paid to eligible Aggrieved Employees; (c) Class Representative Service Payment of up to \$5,000.00 to Plaintiff; (d) Class Counsel's attorneys' fees, not to exceed one-third of the Gross Settlement Amount (i.e., \$266,666.66), and up to \$35,000.00 in costs for actual litigation expenses incurred by Class Counsel; and (e) Settlement Administration Costs of up to \$10,000.00.

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

13 4. A final fairness hearing on the question of whether the proposed Settlement,
14 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &
15 Workforce Development Agency for its share of the settlement of claims for penalties under the
16 Private Attorneys General Act, and a Class Representative Service Payment should be finally
17 approved as fair, reasonable and adequate as to the members of the Class is hereby set in
18 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 persons who worked for Defendant in California as an hourly-paid or non-
21 exempt employee at any time during the Class Period."

22 6. "Class Period" means the period from June 27, 2020 through August 5, 2025.

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

1 the interests of the Settlement Class Members; and (5) a class action is superior to other
2 available methods for the fair and efficient adjudication of the controversy.

3 8. The Court appoints as Class Representative, for settlement purposes only,
4 Plaintiff. The Court preliminarily approves a Class Representative Service Payment to Plaintiff
5 of up to \$5,000.00.

6 9. The Court appoints, for settlement purposes only, John G. Yslas, William M. Pao,
7 and Lisa B. Iturriaga of Wilshire Law Firm, PLC, as Class Counsel. The Court further
8 preliminarily approves Class Counsel's ability to request attorneys' fees of up to one-third of
9 the Gross Settlement Amount (i.e., \$266,666.66), and costs not to exceed \$35,000.00.

10 10. The Court appoints Apex Class Action as the Settlement Administrator with
11 reasonable administration costs estimated not to exceed \$10,000.00.

12 11. The Court approves, as to form and content the revised Class Notice, attached to
13 the Declaration of Courtney M. Miller in Support of Plaintiff's Motion for Preliminary Approval
14 of Class Action and PAGA Settlement as **Exhibit 3**. The Court finds on a preliminary basis that
15 plan for distribution of the Notice to Settlement Class Members satisfies due process, provides
16 the best notice practicable under the circumstances, and shall constitute due and sufficient notice
17 to all persons entitled thereto.

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

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

22 14. The Court approves of any unclaimed funds from Individual Class Payments and
23 Individual PAGA Payments going to Rancho Cielo, a nonprofit organization or foundation
24 consistent with Code of Civil Procedure section 384, subdivision (b).

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15. The Court orders the following Implementation Schedule:

EVENT:	TIMING:
Class Data: Last day for Defendant to provide Class Data to the Administrator	14 days after 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 Class Data
Response Deadline: Last day for Class Members to submit Requests for Exclusion from the Settlement, Objections to the Settlement, and challenges to Workweeks and/or Pay Periods	45 days after Class Notice is mailed out by the Administrator (with an additional 14 days for Class Members whose Class Notice was remailed)
Administrator Declaration: Last day for the Administrator to provide counsel with a Declaration in Support of the Motion for Final Approval	14 days before the filing deadline for Plaintiff's Motion for Final Approval
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	The Final Approval Hearing shall be reset from October 23, 2026, at 8:30 a.m. to <u>December 11, 2026</u> at 8:30 a.m., in Dept. 15 of the above-captioned Court

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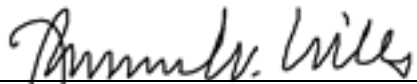
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1 16. The Court further ORDERS that, pending further order of this Court, all proceedings
2 in this lawsuit, except those contemplated herein and in the settlement, are stayed.

3 **IT IS SO ORDERED.**

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6 DATE: **August 12, 2026**



HON. THOMAS W. WILLS
JUDGE OF THE SUPERIOR COURT