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

Hipolito Hernandez, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

Jakov Dulcich and Sons, LLC, a California
Limited Liability Corporation and DOES 1 to
100, inclusive

Defendant.

Case No.: BCV-20-102415
Dept: J, Hon. Bradshaw

~~PROPOSED~~ ORDER:

- (1) GRANTING CONDITIONAL CERTIFICATION OF SETTLEMENT CLASS AND PRELIMINARY APPROVAL OF SETTLEMENT;
- (2) APPROVING CLASS NOTICE AND RELATED MATERIALS;
- (3) APPOINTING SETTLEMENT ADMINISTRATOR; AND
- (4) SCHEDULING FINAL APPROVAL HEARING

Date: December 22, 2022
Time: 8:30 a.m.

1 **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

2 The Motion for Preliminary Approval of a Class Action Settlement came before this Court, on
3 December 22, 2022 in Department J of the above court. The Court having considered the papers
4 submitted in support of the application of the parties, **HEREBY ORDERS THE FOLLOWING:**

5 1. The Court grants preliminary approval of the Settlement and the Settlement Class based
6 upon the terms set forth in the Class Action and PAGA Settlement Agreement (“Settlement
7 Agreement”) filed with the Declarations of Craig J. Ackermann and Amir Seyedfarshi. All terms used
8 herein shall have the same meaning as defined in the Settlement Agreement. The settlement set forth
9 in the Settlement Agreement appears to be fair, adequate and reasonable to the Settlement Class.

10 2. The Settlement, including the \$400,000.00 settlement amount, falls within the range of
11 reasonableness and appears to be presumptively valid, pursuant to California Code of Civil Procedure
12 § 382 and applicable law, subject only to any objections that may be raised at the final fairness hearing
13 and final approval by this Court. The Court finds on a preliminary basis that: (1) the settlement amount
14 is fair and reasonable to the class members when balanced against the probable outcome of further
15 litigation relating to class certification, liability and damages issues, and potential appeals; (2)
16 significant informal discovery, investigation, research, and litigation have been conducted such that
17 counsel for the Parties at this time are able to reasonably evaluate their respective positions; (3)
18 settlement at this time will avoid substantial costs, delay, and risks that would be presented by the
19 further prosecution of the litigation; and (4) the proposed settlement has been reached as the result of
20 intensive, serious, and non-collusive negotiations between the Parties with the assistance of a well-
21 respected class action mediator. Accordingly, the Court preliminarily finds that the Settlement
22 Agreement was entered into in good faith.

23 3. A final fairness hearing on the question of whether the proposed Settlement, attorneys’
24 fees and costs to Class Counsel, the PAGA allocation, and the Class Representative’s Enhancement
25 Award should be finally approved as fair, reasonable and adequate as to the members of the Settlement
26 Class is scheduled in Department J on the date and time set forth in the implementation schedule in
27 Paragraph 9 below.
28

1 4. The Court provisionally certifies for settlement purposes only the following class (the
2 “Settlement Class”): “Plaintiff and all individuals who are or were employed by Defendant as non-
3 exempt, hourly-paid employees, and who worked at least one shift during the Class Period.”

4 5. The Class Period means the period from October 16, 2016 through November 1, 2022.

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

13 4. This Court approves, as to form and content, the Class Approved Notice of Class Action
14 Settlement and Hearing Date for Court Approval (“Class Notice”), in substantially the form attached to
15 the Settlement Agreement as **Exhibit A**. The Court approves the procedure for Class Members to
16 participate in, to opt out of, and to object to, the Settlement as set forth in the Stipulation of Settlement.

17 5. The Court directs the mailing of the Class Notice by first class mail to the Class Members
18 in accordance with the Implementation Schedule set forth below. The Court finds the dates selected
19 for the mailing and distribution of the Notice, as set forth in the Implementation Schedule, meet the
20 requirements of due process and provide the best notice practicable under the circumstances and shall
21 constitute due and sufficient notice to all persons entitled thereto.

22 6. It is ordered that the Settlement Class is preliminarily certified for settlement purposes
23 only.

24 7. The Court appoints Plaintiff Hipolito Hernandez as Class Representative, and Amir
25 Seyedfarshi of Employment Rights Law Group, APC, and Craig J. Ackermann of Ackermann & Tilajef,
26 PC as Class Counsel.

27 8. The Court confirms ILYM Group, Inc. as the Settlement Administrator.


28 9. The Court orders the following **Implementation Schedule** for further proceedings:

1	a.	Deadline for Defendant to Submit Class Data to Settlement Administrator	[Within 15 days after the Preliminary Approval Date]
2			
3	b.	Deadline for Settlement Administrator to Mail Notice to Class Members	[No later than 14 days after receiving the Class Data]
4			
5	c.	Deadline for Class Members to Object or Request to be Excluded from Settlement	[60 calendar days after mailing of the Class Notice]
6			
7	f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement and Motion for Attorneys' Fees, Costs, and Enhancement Award	[16 Court days prior to Final Approval and Fairness Hearing]
8			
9			
10	g.	Final Approval and Fairness Hearing	March 16, 2023, 8:30 a.m., Div. J
11			
12			

13 11. If any of the dates in this Implementation Schedule falls on a weekend, bank or court
14 holiday, the time to act shall be extended to the next business day.

15 **IT IS SO ORDERED.**

16
17 Dated: Signed: 12/23/2022 02:09 PM

17 
18 _____
19 HON. J. ERIC BRADSHAW