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SUPERIOR COURT OF CALIFORNIA

COUNTY OF STANISLAUS

DANNY LEE WATTLE, an individual,
CRISTINA BRAVO, an individual, on
behalf of themselves and all others
similarly situated,

Plaintiff,

vs.

PLM OPERATIONS LLC, a Delaware
limited liability company, TROPICALE
FOODS, LLC, a California limited liability
company, f/k/a TROPICALE FOODS,
INC., TRINITY PERSONNEL, INC., a
California corporation; and DOES 1
through 25, inclusive.

Case No.: CV-22-001613

ASSIGNED FOR ALL PURPOSES TO:
John D. Freeland
Department 23

**~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Hearing:

Date: December 5, 2024

Time: 8:30 a.m.

Dept.: 23

Complaint Filed: April 12, 2022

First Am. Complaint Filed: May 13, 2024

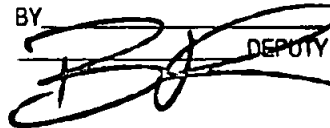
Trial Date: None Set

FILED

DEC 05 2024

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY

 DEPUTY

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TRINITY PERSONNEL, INC.

1 **ORDER GRANTING PRELIMINARY APPROVAL**

2 This matter came on for hearing on December 5, 2024, at 8:30 a.m. in Department 23
3 of the above-captioned court on the Motion for Preliminary Approval of Class Action
4 Settlement, upon the terms and conditions set forth in the Stipulation And Agreement For
5 Class Action And PAGA Settlement (“Settlement Agreement” or “Settlement”) between
6 Plaintiffs and Defendants, a copy of which is attached as **Exhibit “1”** to the Memorandum
7 filed in Support of the Motion For Preliminary Approval.

8 The Court, having fully reviewed the Motion for Preliminary Approval; the
9 Memorandum and Declarations filed in support thereof; the Settlement Agreement and all
10 exhibits thereto, including the Notice of Class Action Settlement (“Class Notice”); and in
11 recognition of the Court’s duty to make a preliminary determination as to the reasonableness
12 of any proposed class action settlement and, if preliminarily determined to be reasonable, to
13 ensure proper notice is provided to Class Members in accordance with due process
14 requirements, and to set a Final Fairness Hearing regarding the proposed settlement, and
15 having heard the argument of Counsel for the respective parties,

16 **THE COURT MAKES THE FOLLOWING DETERMINATIONS AND ORDER:**

17 It appears to the Court on a preliminary basis that the Settlement is fair and reasonable
18 to the Class; it further appears that significant investigation, research, and litigation has been
19 conducted such that counsel for the Parties at this time are able to reasonably evaluate their
20 respective positions; it further appears that settlement at this time will avoid substantial
21 costs, delay and risks that would be presented by the further prosecution of the litigation; it
22 further appears that the proposed Settlement has been reached as the result of intensive,
23 serious and non-collusive negotiations between the Parties.

24 ACCORDINGLY, GOOD CAUSE APPEARING, THE MOTION FOR
25 PRELIMINARY APPROVAL OF THE CLASS ACTION SETTLEMENT IS HEREBY
26 GRANTED, AND AS A PART OF SAID PRELIMINARY APPROVAL, THE COURT
27 HEREBY ORDERS THAT THE CLASS BE CONDITIONALLY CERTIFIED FOR
28 SETTLEMENT PURPOSES ONLY.

1 **THE COURT FURTHER FINDS AS FOLLOWS:**

2 1. The Court finds on a preliminary basis that the Settlement Agreement,
3 incorporated by this reference and made a part of this Order Granting Preliminary Approval,
4 is within the range of reasonableness of a settlement that could ultimately be given final
5 approval by this Court. The Court preliminarily finds that the terms of the Settlement are
6 fair, reasonable, and adequate, pursuant to Section 382 of the California Code of Civil
7 Procedure.

8 2. The Court notes that Defendants Tropicale Foods, LLC, PLM Operations
9 LLC, and Trinity Personnel, Inc. ("Defendants") have agreed to a cash settlement and to
10 create a Common Fund from which all disbursements under the Settlement are to be paid.

11 3. The Court finds that the elements of numerosity, commonality, typicality, and
12 adequacy have been established to support conditional certification of the Class for
13 settlement purposes, with Plaintiffs acting as Class Representatives.

14 4. The Court hereby appoints, for settlement purposes, Plaintiffs Danny Lee
15 Wattle and Cristina Bravo as Class Representatives. The Court further finds that Gabriel J.
16 Pimentel and Yesenia Rodriguez of Pimentel Law, P.C., and John M. Scheppach of
17 Scheppach Bauer PC, have established adequacy to be appointed as Class Counsel, and they
18 are hereby appointed as Class Counsel.

19 5. The Class provisionally certified by this Order for settlement purposes
20 includes all current and former non-exempt employees who worked at a Tropicale Foods
21 Location in California as an hourly non-exempt employee at any time from April 12, 2018
22 through January 28, 2024.

23 6. The Court finds that the proposed manner of notice is adequate.

24 7. The Court approves Atticus Administration, LLC to serve as the Settlement
25 Administrator.

26 8. The Court approves the proposed "Notice Packet," consisting of the Class
27 Notice (Exhibit A to the Settlement), the Notice of Estimated Individual Settlement Payment
28 (Exhibit B to the Settlement), and the Exclusion Request Form (Exhibit C to the Settlement),

1 and orders them to be mailed to Class Members in English and Spanish.

2 9. The Court finds that the Class Notice constitutes the best notice practicable
3 under the circumstances and is in compliance with the laws of the State of California and, to
4 the extent applicable, the United States Constitution and the requirements of due process.
5 The Court further finds that the Class Notice fully and accurately informs Class Members
6 of all material elements of the proposed Class Action Settlement, of each Class Member's
7 right to be excluded from the Class, and each Class Member's right and opportunity to object
8 to the proposed Class Action Settlement. The Class Notice adequately advises the Class
9 about:

- 10 A. the Class Action;
- 11 B. the Settlement terms and the benefits available to each Class Member;
- 12 C. each Class Member's right to object and/or "opt out," and the timing
13 and procedures for doing so;
- 14 D. the conditional certification of the Class for settlement purposes only;
- 15 E. preliminary Court approval of the proposed Settlement;
- 16 F. timing and procedures for distributing the settlement funds; and
- 17 G. the date of the Final Fairness Hearing, as well as the rights of members
18 to submit objections and appear in connection with said hearing.

19 Accordingly, the Court hereby approves the proposed notices to the Class and finds
20 that mailing to the last known address of members of the Class, as specifically described
21 within the Settlement Agreement, constitutes an effective method of notifying Class
22 Members of their rights with respect to the Class Action and proposed Settlement.

23 **THE COURT FURTHER ORDERS AS FOLLOWS:**

24 10. Defendants shall, within fourteen (14) calendar days after this signed Order
25 Granting Preliminary Approval is filed, provide the Settlement Administrator with the Class
26 List as defined in the Settlement.

27 11. After receiving the Class List, and within twenty-one (21) calendar days after
28 this Order is signed, the Settlement Administrator shall update all addresses using the

1 National Change of Address System (NCOA) and mail to all Class Members, via first-class
2 United States Mail, the Notice Packet. The envelope that the Notice Packet is mailed in will
3 clearly state that it concerns a class action and the recipient could be entitled to a cash
4 payment. In the event of returned or non-deliverable Notice Packets, the Settlement
5 Administrator will make reasonable efforts to locate Class Members and re-send the Notice
6 Packet, if possible. In the event of returned or non-deliverable Notice Packets, the
7 Settlement Administrator will make reasonable efforts to locate Class Members through
8 skip-tracing services offered by publicly-available databases and, if possible, will re-send
9 the Notice Packet to the best available address after performing the skip-tracing. It will be
10 conclusively presumed that a Class Member's Notice Packet was received if the Notice
11 Packet has not been returned within forty-five (45) days of the mailing of the Notice Packet
12 to the Class Member.

13 12. Any Exclusion Request Form must be postmarked no later than forty-five (45)
14 days after the Notice Packet is first mailed to the Class Member ("Response Deadline") and
15 must be received by the Settlement Administrator to be valid.

16 13. Any dispute submitted by a Class Member regarding their status of
17 employment or number of weeks worked credited to that Class Member under the Settlement
18 must be postmarked no later than forty-five (45) days after the date when the Notice Packet
19 is first mailed to the Class Member and must be received by the Settlement Administrator to
20 be considered. The Settlement Administrator must review all disputes with the Parties in
21 accordance with the terms of the Settlement. The Settlement Administrator must send each
22 Class Member written notice of the decision regarding his or her dispute. The Class Member
23 shall have seven (7) calendar days after the date the written notice of the decision is
24 postmarked to opt out of the Settlement by mailing a Request For Exclusion to the Settlement
25 Administrator. If, within that seven (7) calendar day time period, the Class Member does
26 not mail a valid Request for Exclusion to the Settlement Administrator, the Class Member
27 shall be deemed a Participating Class Member and will be paid in accordance with the Class
28 Member's weeks worked as noted in the written notice of the decision.

1 14. Objections, if any, to the Settlement by a Class Member shall be mailed to the
2 Settlement Administrator no later than forty-five (45) days after the Notice Packet is first
3 mailed to the Class Member. Any such objection must contain the Class Member's name,
4 the basis for their objection to the Settlement, and their signature.

5 15. In the event that a Notice Packet is re-mailed to a Class Member because the
6 first one was undeliverable, the Class Member shall have an additional fourteen (14)
7 calendar days beyond the Response Deadline to submit a valid opt-out, dispute, and/or
8 objection to the Settlement.

9 16. Class Members do not have to submit any Claim Forms since this is not a
10 claims-made settlement.

11 17. The Final Fairness Hearing shall be held at 8:30 AM on 4/23/25,
12 in Department 23 of the Stanislaus County Superior Court, located at 801 10th Street,
13 Modesto, CA, 95354, to consider the fairness, adequacy and reasonableness of the
14 Settlement preliminarily approved by this Order Granting Preliminary Approval, and to
15 consider the request of Class Counsel for an award of attorneys' fees and costs, and the Class
16 Representatives' Enhancements. The Court may continue the Final Fairness Hearing to
17 another date at its discretion.

18 18. No later than twenty (20) days before the Final Fairness Hearing, the
19 Settlement Administrator shall provide to counsel for the Parties a Declaration confirming
20 that the Notice Packets have been disseminated in accordance with this Order Granting
21 Preliminary Approval and including a complete list of all individuals who have timely
22 requested exclusion from the Class (opt-outs), and any objections to the Settlement. Class
23 Counsel shall file the Declaration with the Court as part of the Motion for Final Approval.

24 19. Any Party to this case, including any Class Member who has not submitted a
25 valid and timely Request for Exclusion, may be heard in support of, or in opposition to, the
26 Court's determination of the good faith, fairness, reasonableness and adequacy of the
27 Settlement, the requested attorney's fees and costs, the requested Class Representatives'
28 Enhancements, and any Order Granting Final Approval regarding such Settlement, fees,

1 costs and Enhancements; provided, however, that no person, except Class Counsel and
2 counsel for Defendants, shall be heard regarding such matters unless such person has
3 complied with the conditions set forth in the Class Notice or as the Court otherwise allows
4 in its discretion.

5 20. All briefs and materials in support of an Order Granting Final Approval and a
6 request for attorney's fees and costs and the Class Representatives' Service Awards shall be
7 filed with this Court no later than ten (10) court days before the date set for the Final Fairness
8 Hearing. Likewise, response briefs, if any, in opposition to objections shall be filed with
9 this Court no later than ten (10) court days before the Final Fairness Hearing.

10 21. Pending further order of this Court, all proceedings in this matter except those
11 contemplated herein and in the Settlement Agreement are stayed.

12 The Court expressly reserves the right to adjourn or continue the Final Fairness
13 Hearing from time to time without further notice to the Class.

14 **IT IS SO ORDERED.**

15
16 Dated: 12/5/2024

J. Freeland
Judge of the Superior Court of California

J. FREELAND