

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE

FEB 22 2024

DAVID H. YAMASAKI, Clerk of the Court

BY: \_\_\_\_\_, DEPUTY

SUPERIOR COURT OF STATE OF CALIFORNIA  
FOR THE COUNTY ORANGE-CIVL COMPLEX CENTER

CRISTOBAL FLORES-OCAMPO, as an  
individual and on behalf of other similarly  
situated employees,

Plaintiff,

vs.

LAGUNA COOKIE COMPANY, INC., a  
California corporation, and DOES 1-50,  
inclusive,

Defendants.

CASE NO.:30-2020-01166599-CU-OE-CXC

Assigned for all purposes to:  
Hon. William Claster  
Dept. CX-101

**REVISED [PROPOSED] ORDER  
GRANTING PLAINTIFF FLORES-  
OCAMPO'S MOTION FOR  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

Date: February 16, 2024  
Time: 9:00 a.m.  
Place: Department CX-101

Case filed: October 22, 2020  
Trial date: TBD

Reservation ID: 74065941

**REVISED [PROPOSED] ORDER GRANTING PLAINTIFF'S FLORES-OCAMPO'S  
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

1 THIS MATTER having been brought before the Court on behalf of Plaintiff Cristobal  
2 Flores-Ocampo (referred to herein as “Plaintiff”), through his attorneys, pursuant to California  
3 Rule of Court 3.769 and other applicable rules and laws, to request an order granting preliminary  
4 approval of a class action settlement and directing the dissemination of notice to the class (the  
5 “Order”); the Court having reviewed Plaintiff’s submissions, having held a hearing on February  
6 16, 2024, and having found that Plaintiff is entitled to the relief sought, and for good cause  
7 shown:

8 IT IS HEREBY ORDERED that Plaintiff’s motion is GRANTED, and it is further  
9 ORDERED as follows:

10 1. This proposed fully executed Stipulation of Class Action Settlement (“Settlement  
11 Agreement” or “Agreement”), submitted with the motion and filed with the Court, is  
12 preliminarily approved as being within the range of potential final approval.<sup>1</sup> The Settlement  
13 Agreement is located in the Register of Action No. 231 filing as Ex. A to the Supplemental  
14 Declaration of Armond M. Jackson in Support of Brief in Support of Motion for Preliminary  
15 Approval of Class Action Settlement.  
16

17 2. Based upon the submission to the Court and attachments and exhibits thereto, the  
18 Court conditionally makes the following findings solely for settlement purposes only, subject to  
19 final approval at the Final Approval Hearing:

- 20 a. The Class Members are so numerous as to make joinder impracticable;
- 21 b. There are questions of law and fact common to the Class Members, and such  
22 questions predominate over any questions affecting only individual Class  
23 Members;
- 24 c. The named Plaintiff’s claims and the defenses thereto are typical of the claims  
25 of the Class Members and the defenses thereto;  
26

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27 <sup>1</sup> Unless otherwise specified, all defined terms in this Order have the same meaning as the meaning described in the Settlement  
28 Agreement, and those terms are incorporated here by this reference. To the extent there is any conflict between the definitions of those terms, the  
definitions in the Settlement Agreement will control.

- 1           d. The named Plaintiff's and Class Counsel can protect and have fairly and  
2           adequately protected the interest of the Class members in the lawsuit; and  
3           e. A class action is superior to all other available methods for fairly and  
4           efficiently resolving the claims in connection to this lawsuit and provides  
5           substantial benefits to the Class Members.

6           3. Accordingly, solely for purposes of this settlement only, the Court preliminarily  
7           approves the Named Plaintiff as representative of the Class Members, and conditionally certifies  
8           a settlement class defined as follows:

9  
10           Class: means all current and former non-exempt employees employed by the  
11           Defendants in California at any time between October 22, 2016 through April 8,  
12           2023. The Class excludes employees directly employed by staffing companies  
13           including the employees of Chartwell Staffing Services, Inc., in the lawsuit entitled  
14           *Mendoza v. Laguna Cookie Company, Inc., Chartwell Staffing Services, Inc., and*  
15           *D.F. Stauffer Biscuit Co., Inc.* and DOES 1 through 20, inclusive, Case  
16           No. 30-2019-01107762-CU-OE-CXC, commenced on October 28, 2019, in the  
17           Superior Court of the State of California, County of Orange.

18           4. This matter is conditionally certified as a class action for settlement purposes only  
19           under California Code of Civil Procedure Section 382 and California Rules of Court, Chapter 6,  
20           Rules 3.767 *et seq.*, and/or other laws as applicable. If the settlement does not receive final  
21           approval, Defendant retains the right to assert that this action may not be certified as a class  
22           action for liability purposes.

23           5. Solely for purposes of implementing the Settlement Agreement and for purposes of  
24           this settlement, the Court preliminarily appoints as Class Counsel Jackson APC.

25           6. The Court finds that the Settlement Agreement falls within the range of possible  
26           approval such that it warrants notice thereto and further orders notice of the settlement to be  
27           disseminated to the Class Members in the manner set forth herein and in the Settlement  
28           Agreement.

          7. A final hearing (the "Final Approval Hearing") shall be held before this Court on

**REVISED [PROPOSED] ORDER GRANTING PLAINTIFF'S FLORES-OCAMPO'S  
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

1 August 2, 2024 at 9:00 a.m. in Department CX101 to determine whether: (a) the Court should  
2 finally approve the Settlement Agreement and determine that the terms contained therein are fair,  
3 reasonable, adequate, and in the best interests of the Class Members, (b) the Court should enter  
4 final judgment dismissing with prejudice the operative Complaint in this lawsuit, (c) to approve  
5 the application for the Attorneys' Fee Award to Class Counsel and Named Plaintiff's Incentive  
6 Awards in a manner consistent with the Settlement Agreement. The Final Approval Hearing  
7 may be postponed, adjourned or continued by further order of this Court, without further notice  
8 to the Class Members.

9  
10 8. At the Final Approval Hearing, the Court will consider and determine whether the  
11 Settlement Agreement should be finally approved as fair, adequate and reasonable in light of any  
12 timely valid objections presented by the Class Members and the parties' responses to any such  
13 objections that have been submitted to the Court in accordance with the provisions set forth  
14 below.

15 9. The Court hereby approves the appointment of CPT Group, Inc. ("Settlement  
16 Administrator") as the Settlement Administrator for the purposes of disseminating the Class  
17 Notice and Exclusion Form attached to the settlement agreement, which are hereby approved,  
18 and for purposes of administering the terms of the settlement as set forth in the Settlement  
19 Agreement. The Settlement Administrator shall perform its duties consistent with the provisions  
20 contained within the Settlement Agreement.

21 10. Any Class Member may object to the fairness, reasonableness or adequacy of the  
22 proposed settlement. To assert a valid and timely objection to the Settlement, a Class Member  
23 may file an objection with the Court either in writing or at the time of the hearing or appear at the  
24 hearing and object at that time.

25 11. The Court finds that the manner of dissemination and content of the Class Notice  
26 specified in detail in the Settlement Agreement (i) is the best notice practicable, (ii) is reasonably  
27 calculated, under the circumstances, to apprise Class Members of the pendency of the lawsuit  
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**REVISED [PROPOSED] ORDER GRANTING PLAINTIFF'S FLORES-OCAMPO'S  
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

1 and of their right to object to or to exclude themselves from the proposed settlement, (iii) is  
2 reasonable and constitutes due, adequate and sufficient notice to all persons entitled to receive  
3 notice, and (iv) meets all applicable requirements of applicable law.

4 12. Class Counsel shall file and serve papers in support of final approval of the  
5 Settlement no later than sixteen (16) court days in advance of the Final Approval Hearing.

6 13. The Settlement Administrator is hereby ordered no later than sixteen (16)  
7 court days before the Final Approval Hearing to file an affidavit attesting completeness and  
8 accuracy of the proof of mailing of the Class Notice and Exclusion Form to the Class Members.  
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10 Dated: 2-22-24

JUDGE OF THE SUPERIOR COURT

11  
12 By: William D. Claster  
13 The Honorable Judge William Claster  
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