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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAY 10 2023

5 *Attorneys for Plaintiff and on behalf*
6 *of the others similarly situated*

BY 
RAFAEL HERNANDEZ, DEPUTY

7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF SAN BERNARDINO**
10 **SAN BERNARDINO JUSTICE CENTER**

12 CECILIA CHOLICO, individually, and on
13 behalf of all others similarly situated,

14 Plaintiff,

15 v.

16 RILEY FAMILY ENTERPRISES, INC., a
17 California corporation; and DOES 1 through
50, inclusive,

18 Defendant,

CASE NO.: CIVSB2130458

~~PROPOSED~~ PRELIMINARY
APPROVAL ORDER

Action Filed: October 22, 2021
Trial Date: None Set

1 **[PROPOSED] ORDER GRANTING PRELIMINARY APPROVAL**

2 The Court now has before it, Plaintiff’s unopposed Motion for Preliminary Approval of Class
3 Action Settlement (“Motion”). After reviewing the Motion, the Class Action and PAGA Settlement
4 Agreement and Release (“Settlement Agreement”) and exhibits attached thereto, and good cause
5 appearing therefore, the Court hereby finds and orders as follows:

6 1. The Court finds on a preliminary basis that the settlement memorialized in the
7 Settlement Agreement appears to be fair and adequate, and falls within the range of reasonableness,
8 and therefore meets the requirement for preliminary approval.

9 2. The Court conditionally certifies for settlement purposes the following class (the
10 “Class” or “Settlement Class”):

11 All non-exempt employees who worked for Defendant in the state of California
12 from October 22, 2017 through February 3, 2023.

13 The Class Period is from October 22, 2017 through February 3, 2023.

14 3. The Court conditionally approves for settlement purposes the PAGA allocation
15 of this settlement to the California Labor and Workforce Development Agency (“LWDA”) and PAGA
16 Members.

17 The PAGA Period is from August 18, 2020 through February 3, 2023.

18 4. The Court finds, for settlement purposes, that the Class meets the requirements for
19 certification under California Code of Civil Procedure § 382 in that: (1) the Class is so numerous that
20 joinder is impractical; (2) there are questions of law and fact that are common, or of general interest,
21 to the Class, which predominate over any individual issues; (3) Plaintiff’s claims are typical of the
22 claims of the Class; (4) Plaintiff and Plaintiff’s counsel will fairly and adequately protect the interests
23 of the Class; and (5) a class action is superior to other available methods for the fair and efficient
24 adjudication of the controversy.

25 5. The Court appoints, for settlement purposes, Plaintiff Cecelia Cholico as Representative
26 for the Class.

27 6. The Court appoints, for settlement purposes, the Law Office of Scott E. Wheeler as
28

1 Counsel for the Class.

2 7. The Parties are ordered to carry out the Settlement according to the terms of the
3 Settlement Agreement.

4 8. The Court appoints CPT Settlement Administrators ("CPT") as the Settlement
5 Administrator and is ordered to carry out the administration of the settlement according to the terms of
6 the Settlement Agreement.

7 9. The Court approves as to form and content of the Class Action and PAGA Settlement
8 Notice. The Court finds that the dates selected for the mailing and distribution of the Notice Packet
9 meet the requirements of due process, provide the best notice practicable under the circumstances, and
10 shall constitute due and sufficient notice to all persons entitled thereto.

11 10. If any Class Member objects to the Settlement Agreement, the objecting party is not
12 required, either personally or through counsel: 1) to appear at the hearing on the motion for final
13 approval for that party's objection to be considered; or 2) to file or serve, or to state in the objection, a
14 notice of intention to appear at the hearing on the motion for Final Approval of the Class Settlement.

15 11. CPT, the Settlement Administrator, shall provide notice to any objecting party of any
16 continuance of the hearing of Plaintiff's Motion for Final Approval.

17 12. The Parties are ordered to carry out the Settlement according to the following
18 implementation schedule:

Event	Date
Last day for Defendant to provide the Settlement Administrator with the Class Information	May 19, 2023 23 May 19, 2023
Last day for Settlement Administrator, CPT to mail Class Notice	May 30, 2023 June 21
Last day for Class Members to submit a dispute regarding Workweeks, Request for Exclusion, or written Objection	July 14, 2023 July 17, 2023
Last Day for Plaintiff to file Motion for Final Approval of the Class Settlement, Attorneys' Fees and Costs and Class Representative Service Award	Per Code
Final Approval Hearing	Sept. 5, 2023

1 13. The Court finds that the method of giving notice to the Class constitutes the best means
2 practicable of providing notice under the circumstances. The Court further finds that the Notice Packet
3 and the method of giving notice to the Class meet the requirements of California Code of Civil
4 Procedure § 382, California Rules of Court, Rules 3.766 and 3.769, and due process under the
5 California and United States Constitutions, and other applicable law.

6 14. At the Final Approval Hearing, the Court will consider whether the Settlement should
7 be finally approved as fair, reasonable and adequate, whether a final judgment should be entered, and
8 whether the payments provided for under the Settlement, including attorneys' fees and costs and class
9 representative service award, should be finally approved and granted.

10 15. Pending the Final Approval Hearing, all proceedings in this Action, other than
11 proceedings necessary to implement the Settlement and this Order, are stayed.

12 **IT IS SO ORDERED.**

13 DATED: _____

5.10.23

DAVID COHN

HONORABLE DAVID COHN
JUDGE OF THE SUPERIOR COURT