

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SANG (JAMES) PARK, SBN 232956  
sang@park-lawyers.com  
PARK APC  
8383 Wilshire Boulevard, Suite 800  
Beverly Hills, California 90211  
Telephone: (310) 627-2964  
Fax: (310) 362-8279

Attorneys for Plaintiff

F Superior Court of California F  
I County of Butte I  
L SEP 18 2024 L  
E E  
D Sharif Elmallah, Clerk D  
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF BUTTE

ABIGAIL JOHNSON, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

SUNWEST MILING, INC.; SUNWEST  
FOODS, INC.; and DOES 1 to 10,

Defendants.

Case No.: 23CV02012

CLASS ACTION

*tm*  
[PROPOSED] ORDER GRANTING  
MOTION FOR PRELIMINARY APPROVAL  
OF CLASS ACTION SETTLEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

On September 18, 2024 the Court conducted a hearing on Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement ("Motion"). The Court considered the Motion papers, and GOOD CAUSE appearing, IT IS HEREBY ORDERED that the Motion is GRANTED as follows:

1. The Court preliminarily approves the Settlement memorialized in the Parties' Joint Stipulation of Class Action and PAGA Settlement and Release, attached as Exhibit 1 to Declaration of Sang (James) Park in support of Motion for Preliminary Approval of Class Action Settlement. The Court finds that the Settlement falls within the range of reasonableness of a settlement that could ultimately be granted final approval by the Court, and merits submission to Class Members for their consideration. All capitalized terms used in this Order shall have the same defined meanings as set forth in the Joint Stipulation of Class Action and PAGA Settlement and Release, unless stated otherwise.

2. The Court certifies the following Settlement Class for settlement purposes only pursuant to California Code of Civil Procedure § 382:

All current and former non-exempt employees, including temporary employees contracted through any and all agencies, who have worked for Defendants in California during the time period of July 21, 2019 through the date of Preliminary Approval

3. The Court approves the Notice of Class Action Settlement ("Class Notice"), attached as Exhibit A to Settlement Agreement, for mailing to Class Members.

4. The Court appoints Sang (James) Park of PARK APC as Class Counsel.

5. The Court appoints Abigail Johnson as the Class Representative.

6. The Court appoints Atticus Administration, LLC as the Claims Administrator.

7. The Court preliminarily approves Class Counsel's request for Attorney's Fees and Costs subject to final review by the Court.

8. The Court preliminarily approves Class Counsel's request for Plaintiff's Service Payment subject to final review by the Court.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

9. The Court preliminarily approves the Claims Administration Fee to be paid to Atticus Administration, LLC.

10. The Court preliminarily approves the PAGA Payment pursuant to Private Attorneys General Act.

11. The following dates shall govern for the purposes of the Settlement:

<b>Deadline</b>	<b>Activity</b>
21 days from Preliminary Approval	Defendants shall provide Claims Administrator with the Class Data List.
35 days from Preliminary Approval	Claims Administrator shall mail, by U.S. First Class, to Class Members a Class Notice. The Class Notice shall list the individual Settlement Class Member's total number of Workweeks.
60 days from mailing date	All Class Members' requests for exclusion, and objections must be postmarked by this date.
30 days from completion of the notice period	Plaintiff shall submit their Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorney's Fees and Costs and Class Representative's Enhancement Payment.
16 court days from Plaintiff's filing Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorney's Fees and Costs and Class Representative's Enhancement Payment	The Court will hear Plaintiff's Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorney's Fees and Costs and Class Representative's Enhancement Payment.

12. Class Members are enjoined from initiating or prosecuting any proceeding on any claim to be released pursuant to the Stipulation unless and until the Class Member opts out of the Class.


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

13. Class Counsel shall file their Motion for Final Approval of Class Action Settlement and Plaintiff's Motion for Attorney's Fees and Costs and Class Representative's Enhancement Payment by thirty days from completion of the notice period.

14. On February 12, 2025 at 9 am, the Court will hold a final fairness hearing to determine whether the Settlement, including Class Counsel's attorney's fees and costs and Class Representative's Enhancement Award, should be finally approved as fair, reasonable and adequate.

**IT IS SO ORDERED.**

Dated: 9/18/2024

  
\_\_\_\_\_  
Hon. Tamara L Mosbarger  
Superior Court Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**PROOF OF SERVICE**

I am an active member of the State Bar of California and not a party to the within action. On August 26, 2024 I served [PROPOSED] ORDER GRANTING MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT via Email on below:

Treaver K. Hodson  
*thodson@pkwhlaw.com*  
Hallie R. Spaulding  
*hspaulding@pkwhlaw.com*  
Dayra Juarez  
*djuarez@pkwhlaw.com*  
PALMER KAZANJIAN WOHL HODSON LLP  
2277 Fair Oaks Boulevard, Suite 455  
Sacramento, CA 95825

Attorneys for Defendants  
SUNWEST MILLING, INC. and  
SUNWEST FOODS, INC.

Executed on August 26, 2024 at Los Angeles, California. I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

*Sang (James) Park*

\_\_\_\_\_  
Sang (James) Park