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FILED
Superior Court of California
County of Alameda
10/13/2022
Clad Flake, Executive Officer/Clerk of the Court
By: C. Wright Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA
(UNLIMITED JURISDICTION)

In re:
DEL TACO WAGE AND HOUR CASES
Included actions:
Torrez v. Del Taco, LLC
Case No. 21CV000111
Chavez v. Del Taco, LLC
Riverside Sup.Ct. No. RIC1512246
Ramirez v. Del Taco, LLC
Case No. 19CV005228
Cabral v. Del Taco, LLC
Case No. 21CV005224

Judicial Council Coordination Proceeding
Case No. JCCP004904
Case No. 21CV000111
[Assigned for all purposes to the
Hon. Evelio Grillo, Dept. 21]

**JOINT STIPULATION RE: NOTICE OF
ORDER LIMITING SCOPE OF CLASS
PERIOD; ~~PROPOSED~~ ORDER**

1 Plaintiff Karolina Torrez (“Plaintiff Torrez”) and Defendant Del Taco, LLC (“Del Taco”),
2 by and through their counsel of record, hereby enter into the following Joint Stipulation Re:
3 Notice of Order Limiting Scope of Class Period, with reference to the following facts:

4 WHEREAS, on November 12, 2021, the Court entered an order granting in part Plaintiff
5 Torrez’s Motion for Class Certification (the “Class Certification Order”);

6 WHEREAS, the Court, in the Class Certification Order, certified a class defined as: “All
7 current and former non-exempt employees of Del Taco, LLC in the State of California at any time
8 during the period from March 11, 2010 through the date of the order granting class certification”;

9 WHEREAS, on February 9, 2022, the Court entered an order approving the parties’ Joint
10 Stipulation Re: Class Notice and Manner of Giving Notice;

11 WHEREAS, on March 9, 2022, the Class Action Administrator, ILYM, Group, Inc.,
12 mailed the Notice of Certified Class Action to 52,045 Class Members;

13 WHEREAS, a total of twenty-six (26) Class Members requested to be excluded from the
14 Class by the response deadline of April 23, 2022;

15 WHEREAS, on May 3, 2022, the Court entered an order granting Del Taco’s Motion For
16 Order Limiting Scope of Class Period and Dismissing Claims Outside of the Class Period As
17 Time-Barred;

18 WHEREAS, the Court’s May 3, 2022 order limited the scope of the Class Period to March
19 2, 2012 through November 12, 2021;

20 WHEREAS, the Court’s May 3, 2022 minute order stated:

21 Defendant is ordered to identify for plaintiff’s counsel all potential
22 plaintiffs who will be excluded from the class during the 2010 to
23 2012 period. The court orders that the plaintiffs excluded from the
24 class under the court’s ruling be notified of their exclusion, and
25 admonished that they are no longer a member of the class and that
their rights to bring individual claims may be affected and/or barred
if the excluded plaintiffs do not take timely action to preserve their
claims.

26 WHEREAS, the parties have met and conferred and agree on the content of the proposed
27 Notice of Order Limiting Scope of Class Period attached hereto as **Exhibit A**, subject to Court
28 approval;

1 NOW, THEREFORE, by and through their counsel of record, the parties hereby
2 STIPULATE as follows, subject to approval by the Court:

3 1. The parties approve the content of the Notice of Order Limiting Scope of Class
4 Period (“Notice”), attached hereto as **Exhibit A**, and agree that the Notice Administrator shall be
5 ILYM Group, Inc.

6 2. The parties agree that the Notice Administrator shall translate the Notice into
7 Spanish.

8 3. No later than 14 days after the Court signs and serves the Proposed Order attached
9 hereto, Del Taco shall provide the Notice Administrator with the contact information, including,
10 to the extent possible, the name, last known address, last known telephone number, last known
11 email address, and dates of employment of each Class Member who is excluded from the Class as
12 a result of the Court’s May 3, 2022 order limiting the scope of the Class Period to March 2, 2012
13 through November 12, 2021.

14 4. Upon receipt of the names and contact information from Del Taco, the Notice
15 Administrator shall perform a search based upon the National Change of Address database
16 maintained by the U.S. Postal Service to update and correct any known or identifiable address
17 change.

18 5. No later than 10 days after receiving the list of individuals excluded as Class
19 Members, the Notice Administrator shall make available on the class website,
20 www.torrezvdeltaco.com, a copy of the Court’s May 3, 2022 order, the Notice of Order Limiting
21 Scope of Class Period, and the order approving the Joint Stipulation Re: Notice of Order Limiting
22 Scope of Class Period.

23 6. No later than 14 days after receiving the Class List, the Notice Administrator shall
24 mail a copy of the Notice (in English and Spanish), via First Class U.S. Mail, to each individual
25 excluded from the Class by the May 3, 2022 order according to the list provided by Del Taco.

26 8. Any Notice returned to the Notice Administrator as undeliverable shall be re-
27 mailed to the forwarding address affixed thereto. If no forwarding address is provided, the Notice
28 Administrator shall promptly attempt to determine a correct address by use of skip-tracing or

1 another type of automated search, and shall re-mail the Notice if another mailing address is
2 identified by the Notice Administrator.

3 9. Plaintiff shall bear the cost of mailing the Notice and any other costs and fees
4 incurred by the Notice Administrator to administer the dissemination of the Notice.

5 IT IS SO STIPULATED.

6 DATED: October 5, 2022

MATERN LAW GROUP, PC
Matthew J. Matern
Matthew W. Gordon

8
9 By: 

10 Matthew W. Gordon

11 *Attorneys for Plaintiff*
KAROLINA TORREZ and the Class

12 DATED: October 5, 2022

13 MANATT, PHELPS & PHILLIPS, LLP
14 Andrew L. Satenberg
Ryan Patterson

15 By: /s/ Ryan Patterson

16 Andrew L. Satenberg
17 Ryan Patterson

18 *Attorneys for Defendant*
19 DEL TACO LLC

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1 **PROPOSED ORDER**

2 The Court, having read and considered the Joint Stipulation Re: Notice of Order Limiting
3 Scope of Class Period (“Stipulation”), and for good cause appearing, hereby ORDERS as follows:

4 1. The Court approves the content of the Notice of Order Limiting Scope of Class
5 Period (“Notice”), attached as Exhibit A to the Stipulation, and finds that the Notice and the
6 procedures set forth in the Stipulation provide sufficient notice to Class Members affected by the
7 Court’s May 3, 2022 order granting Del Taco, LLC’s Motion For Order Limiting Scope of Class
8 Period and Dismissing Claims Outside of the Class Period As Time-Barred.

9 2. The Court finds that the manner and method of giving notice set forth in the
10 Stipulation constitutes the best notice that is practicable under the circumstances, including
11 individual notice via First Class U.S. Mail to all Class Members who can be identified through
12 reasonable effort. The Court finds that the notice plan, as set forth in the Stipulation, shall
13 constitute sufficient notice to all interested persons entitled to such notice and affected by the
14 Court’s May 3, 2022 order limiting the scope of the Class Period to March 2, 2012 through
15 November 12, 2021.

16 3. The Court approves ILYM Group, Inc. as the Notice Administrator.

17 4. No later than 14 days after the Court signs and serves this Order, Del Taco shall
18 provide the Notice Administrator with the contact information, including, to the extent possible,
19 the name, last known address, last known telephone number, last known email address, and dates
20 of employment of each Class Member who is excluded from the Class as a result of the Court’s
21 May 3, 2022 order limiting the scope of the Class Period to March 2, 2012 through November 12,
22 2021.

23 4. Upon receipt of the names and contact information from Del Taco, the Notice
24 Administrator shall perform a search based upon the National Change of Address database
25 maintained by the U.S. Postal Service to update and correct any known or identifiable address
26 change.

27 5. No later than 10 days after receiving the list of individuals excluded as Class
28 Members, the Notice Administrator shall make available on the class website,

1 www.torrezvdeltaco.com, a copy of the Court's May 3, 2022 order, the Notice of Order Limiting
2 Scope of Class Period, and the Court's order approving the Joint Stipulation Re: Notice of Order
3 Limiting Scope of Class Period.

4 6. No later than 14 days after receiving the Class List, the Notice Administrator shall
5 mail a copy of the Notice (in English and Spanish), via First Class U.S. Mail, to each individual
6 excluded from the Class by the May 3, 2022 order according to the list provided by Del Taco.

7 8. Any Notice returned to the Notice Administrator as undeliverable shall be re-
8 mailed to the forwarding address affixed thereto. If no forwarding address is provided, the Notice
9 Administrator shall promptly attempt to determine a correct address by use of skip-tracing or
10 another type of automated search, and shall re-mail the Notice if another mailing address is
11 identified by the Notice Administrator.

12 9. Plaintiff shall bear the cost of mailing the Notice and any other costs and fees
13 incurred by the Notice Administrator to administer the dissemination of the Notice.

14 **IT IS SO ORDERED.**

15
16 DATED: 10/13/2022

17 
18 HON. EVELIO GRILLO
19 Judge of the Superior Court
20 **Evelio Grillo / Judge**

EXHIBIT A

NOTICE OF ORDER LIMITING SCOPE OF CLASS PERIOD

If you were employed by Del Taco, LLC (“Del Taco”) as a non-exempt employee in California at any time from March 11, 2010 through March 1, 2012, this Notice may affect your legal rights.

A court authorized this notice. This is not a solicitation from a lawyer. You are not being sued.

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY.

1. What Is the Purpose of This Notice?

The Court has ordered this Notice to be published in order to inform affected individuals about a recent change in the definition of the Class certified in the above-referenced lawsuit, *Torrez v. Del Taco, LLC* (Alameda Superior Court Case No. 21CV000111) (the “Lawsuit”) which may affect their legal rights.

2. Who Is Affected By This Change?

This Notice applies to you if you were employed by Del Taco, LLC (“Del Taco”) as a non-exempt employee in California at any time from March 11, 2010 through March 1, 2012. A “non-exempt employee” means an hourly paid employee who was eligible for overtime pay.

3. What Is This Lawsuit About?

In this Lawsuit, Plaintiff Karolina Torrez (“Plaintiff”) alleges that Del Taco failed to provide non-exempt employees in the State of California with required meal periods, failed to provide required rest periods, failed to pay overtime wages, failed to pay minimum wages, failed to maintain required records, failed to furnish accurate itemized wage statements, failed to reimburse non-exempt employees for necessary expenditures incurred in the discharge of job duties, and unfair and unlawful business practices. Plaintiff seeks to recover unpaid wages, unpaid meal and rest period premium payments, statutory penalties, civil penalties, interest, attorneys’ fees, and costs.

Del Taco denies the allegations and denies any wrongdoing. Del Taco states that it complied with California wage and hour laws. The Court has not decided whether Del Taco did anything wrong and has not ruled on the merits of Plaintiff’s claims or Del Taco’s defenses. There is no money available now and no guarantee that there will be. By ordering this Notice, the Court is not suggesting that Plaintiff will win or lose this case. Whether Plaintiff and the Class Members or Del Taco prevail on the merits will be decided at trial.

On November 12, 2021, the Court ruled that the Lawsuit shall proceed as a class action and certified a Class defined as: All current and former non-exempt employees of Del Taco, LLC in the State of California at any time during the period of March 11, 2010 through November 12, 2021 (the “Class Period”).

On March 9, 2022, a Notice of Certified Class Action was mailed to all Class Members explaining in detail Class Members’ legal rights and options.

You are receiving this Notice of Order Limiting Scope of Class Period because you did not request to be excluded from the certified Class by the deadline of April 23, 2022.

4. What Is a Class Action?

A class action is a lawsuit brought by one or more plaintiffs on behalf of a group or “class” of other similarly situated people seeking to have their claims and rights against the same defendant decided in one proceeding. In a class action, the plaintiffs and their attorneys represent the interests of the class. As a result of certifying a case as a class action, the Court may resolve the certified claims of all class members collectively and at the same time. Whether the class wins or loses the case, all class members are bound by the decision or judgment

entered in the case and may not file their own lawsuits about the same claims that were decided in the class action for the applicable time period(s).

5. How Are My Rights Affected By the Order Limiting the Scope of the Class Period?

On May 3, 2022, the Court issued an order limiting the scope of the Class Period to **March 2, 2012** through November 12, 2021.

Therefore, you are no longer a Class Member in this Lawsuit, and your individual rights and claims are no longer being addressed or represented in this Lawsuit, if both of the following are correct:

- You worked for Del Taco as a non-exempt employee in the State of California at any time during the period of March 11, 2010 through March 1, 2012; AND
- You did **not** work for Del Taco as a non-exempt employee in the State of California at any time during the period of March 2, 2012 through November 12, 2021.

If you worked for Del Taco as a non-exempt employee in the State of California at any time during the period of March 11, 2010 through March 1, 2012, AND you continued to work for Del Taco, or you were rehired, as a non-exempt employee in the State of California at any time during the period of March 2, 2012 through November 12, 2021, then you are still a member of the Class and your rights and claims are still being represented in the Lawsuit for the Class Period of March 2, 2012 through November 12, 2021. However, your rights and claims against Del Taco are no longer being represented in the Lawsuit with respect to the period of March 11, 2010 through March 1, 2012.

Nothing in this Notice is an expression by the Court as to the merits of any claims which may be asserted by an individual who has been excluded by the order limiting the scope of the Class Period. This Notice is intended solely to advise affected individuals of the Court's order finding that the Class Period should begin on March 2, 2012 instead of March 11, 2010, resulting in the exclusion of individuals from the certified Class.

If the order limiting the scope of the Class Period to March 2, 2012 through November 12, 2021 applies to you, then you may no longer a Class Member. Your rights to file an individual claim or lawsuit against Del Taco on your own with respect to the claims alleged in this Lawsuit for the period of March 11, 2010 through March 1, 2012, may be affected and/or time-barred by the applicable statute of limitations. ***You should be aware that you must take prompt action to preserve your individual claims, if applicable, before the claims are barred by the statute of limitations.***

6. What If I Need Additional Information?

If you have any questions, additional information about the Lawsuit may be found at **www.torrezdeltaco.com**, including a copy of the Court's order limiting the scope of the Class Period, the order granting class certification, and the complaint filed in the Lawsuit. You also may contact Class Counsel or the Class Action Administrator at the following:

Class Counsel:

Matthew J. Matern
Matthew W. Gordon
MATERN LAW GROUP, PC
1230 Rosecrans Avenue, Suite 200
Manhattan Beach, California 90266
Telephone: (310) 531-1900

Class Action Administrator:

[INSERT NAME, ADDRESS, PHONE NUMBER]

PLEASE DO NOT CALL THE COURT REGARDING THIS MATTER.