

**FILED**  
ALAMEDA COUNTY

DEC 21 2022

CLERK OF THE SUPERIOR COURT

By  Deputy

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF ALAMEDA—UNLIMITED JURISDICTION

12  
13 **DEL TACO WAGE AND HOUR CASES**

14 COORDINATION PROCEEDINGS  
SPECIAL TITLE RULE (3.550)

15 Included actions:

16 *Torrez v. Del Taco, LLC*  
Case No. 21CV000111

17 *Chavez, et al. v. Del Taco, LLC*  
18 Riverside County Superior Court Case No.  
RIC1512246

19 *Ramirez v. Del Taco, LLC*  
20 Case No. 19CV005228

21 *Cabral v. Del Taco, LLC*  
Case No. 21CV005224  
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Judicial Council Coordination Proceeding  
Case No. JCCP004904

[Assigned for all purposes to  
Hon. Evelio M. Grillo, Dept. 21]

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFF KAROLINA TORREZ'S  
MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION AND  
PAGA SETTLEMENT**

Date: December 6, 2022  
Time: 10:00 a.m.  
Dept.: 21

**RESERVATION ID: 625237717108**

Action Filed: March 2, 2016  
Trial Date: None Set

**ORDER**

The Motion for Preliminary Approval of Class Action and PAGA Settlement (“Motion”) filed by Plaintiff Karolina Torrez (“Plaintiff Torrez”) in the above-captioned matter, *Karolina Torrez v. Del Taco, LLC* (Alameda Superior Court Case No. 21CV000111), came before this Court on December 6, 2022 at 10:00 a.m. Having reviewed Plaintiff Torrez’s Motion, the Declaration of Matthew J. Matern, and exhibits thereto, including the Stipulation of Class Action and PAGA Settlement (“Settlement” or “Agreement”), the Declaration of Plaintiff Karolina Torrez, the Declaration of Stacy Robson, the Declaration of Ruth Hollman, and all other papers submitted in support of and in opposition to the Motion, and for good cause appearing, the Court hereby finds and ORDERS as follows:

1. All defined terms contained herein shall have the same meanings as set forth in the Settlement.

2. The Court finds on a preliminary basis that the settlement memorialized in the Agreement appears to be fair, adequate, and reasonable, falls within the range of reasonableness, and therefore meets the requirements for preliminary approval.

3. The Court provisionally certifies, for settlement purposes only, the following Class:

All persons employed by Del Taco in the State of California as a non-exempt employee at any time during the period from October 28, 2011 through November 12, 2021.

4. The Court finds, for settlement purposes only, that the Class meets the requirements for certification under California Code of Civil Procedure section 382 in that: (1) the class is so numerous that joinder is impractical; (2) there are questions of law and fact that are common to all Class Members which predominate over individualized issues; (3) Plaintiff Torrez’s claims are typical of the claims of the Class Members; (4) Plaintiff Torrez and Plaintiff Torrez’s counsel, Matern Law Group, PC, will fairly and adequately protect the interests of the Class; and (5) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

5. The Court hereby approves the terms and conditions provided for in the Settlement. The parties are ordered to carry out the Settlement according to its terms.

6. The Court appoints, for settlement purposes, Plaintiff Torrez as the Class Representative.

1           7.       The Court appoints, for settlement purposes, Matern Law Group, PC as Class Counsel.  
2 Class Counsel is authorized to act on behalf of the Class with respect to all acts required by, or which  
3 may be given, pursuant to the Settlement, and such other acts reasonably necessary to finalize the  
4 Settlement and its terms. Any Class Member may enter an appearance through his or her own counsel  
5 at such Class Member's own expense. Any Class Member who does not enter an appearance or  
6 appear on his or her own behalf will be represented by Class Counsel.

7           8.       The Court hereby preliminarily approves the Settlement and the Gross Settlement  
8 Amount of \$50,000,000.00. The Gross Settlement Amount shall cover all anticipated and  
9 unanticipated expenses associated with the Settlement including the following items: (1) Individual  
10 Settlement Payments to Participating Class Members; (2) the PAGA Settlement Amount, including  
11 PAGA Payments to PAGA Group Members; (3) the Class Representative Service Award; (4) the  
12 Named Plaintiff Service Awards; (5) the Attorneys' Fees and Costs; and (6) the Settlement  
13 Administration Costs. The Employer's Share of Payroll Taxes shall be paid separately from and in  
14 addition to the Gross Settlement Amount.

15           9.       The Court finds that, on a preliminary basis, the Settlement appears to be within the  
16 range of reasonableness of a settlement that could ultimately be given final approval by this Court. It  
17 appears to the Court on a preliminary basis that the Settlement is fair, adequate, and reasonable as to  
18 all potential Class Members when balanced against the probable outcome of further litigation relating  
19 to liability and damages issues. It also appears that extensive and costly investigation, research, and  
20 court proceedings have been conducted so that counsel for the parties are able to reasonably evaluate  
21 their respective positions. It appears to the Court that settlement at this time will avoid substantial  
22 additional costs by all parties, as well as avoid the delay and risks that would be presented by the  
23 further prosecution of the lawsuit. It also appears that settlement has been reached as a result of  
24 intensive, serious, and non-collusive, arms-length negotiations.

25           10.      The Court approves, as to form and content, the Notice of Class Action and PAGA  
26 Settlement ("Class Notice"), attached as Exhibit 1 to the Settlement. The Court finds that the notice  
27 plan is the best means practicable under the circumstances for providing notice to Class Members, and,  
28 when completed, shall constitute due and sufficient notice of the class action, proposed settlement, and

1 the final approval hearing to all persons entitled to such notice, in full compliance with California  
2 Code of Civil Procedure § 382, California Civil Code § 1781, California Rules of Court 3.766 and  
3 3.769, the California and United States Constitutions, and other applicable laws.

4 11. The Court appoints ILYM Group, Inc. as the Settlement Administrator. The Court  
5 hereby directs the Settlement Administrator to disseminate the approved Class Notice according to the  
6 procedures set forth in the Settlement.

7 12. Any Class Member may choose to be excluded from the Settlement as provided in the  
8 Settlement and Class Notice and by following the instructions for requesting exclusion. Any person  
9 who timely and properly requests to be excluded from the Settlement will not be bound by the  
10 Settlement or have any right to object, appeal, or comment thereon. Any Request for Exclusion must  
11 be signed by each such Class Member and must otherwise comply with the requirements delineated in  
12 the Class Notice. Class Members who have not requested exclusion by submitting a valid and timely  
13 request before the expiration of the Response Deadline shall be bound by all determinations of the  
14 Court, the Settlement, and the Judgment.

15 13. A Final Approval Hearing will be held before this Court on \_\_\_\_\_, 2023  
16 at \_\_\_\_\_ in Department 21 of the Alameda Superior Court located at 1221 Oak Street,  
17 Oakland, California 94612, to determine all necessary matters concerning the Settlement, including  
18 whether the Settlement is fair, adequate, and reasonable and should be finally approved by the Court  
19 and whether a Judgment should be entered herein. At the same time, a hearing on Plaintiffs'  
20 Counsel's motion for Attorneys' Fees and Costs and the requested Class Representative Service  
21 Award and Named Plaintiff Service Awards shall also be held.

22 14. Any Class Member may appear at the Final Approval Hearing and object to the  
23 Settlement or express his or her views regarding the Settlement, and may present evidence and file  
24 briefs or other papers that may be proper and relevant to the issues to be heard and determined by the  
25 Court as provided in the Class Notice.

26 15. The Court sets the following implementation schedule:  
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1 2 3	Deadline for Defendants to provide the Class Information to the Settlement Administrator	_____, (within 15 days after entry of Preliminary Approval Order)
4 5	Deadline for Settlement Administrator to mail the Notice Packet to Class Members	_____, 2023 (within 15 days after receiving the Class Information from Del Taco)
6 7 8	Deadline for Class Members to submit an objection or Request for Exclusion ("Response Deadline")	_____, 2023 (45 days after Notice Packet is mailed by the Settlement Administrator to Class Members) <sup>1</sup>
9 10 11	Deadline for Plaintiff to file Motion for Final Approval of Class Action and PAGA Settlement and Motion for Award of Attorneys' Fees, Costs, Class Representative Service Award, and Named Plaintiff Service Awards	_____, 2023
12 13 14	Final Approval Hearing	_____, 2023 at _____

15           16.     Pending the Final Approval Hearing, all proceedings in this action, other than  
16 proceedings necessary to carry out or enforce the terms and conditions of the Settlement and this  
17 Order, are stayed.

18           17.     To facilitate administration of the Settlement pending final approval, the Court hereby  
19 enjoins all Class Members from filing or prosecuting any claims, suits or administrative proceedings  
20 regarding claims released by the Settlement unless and until such Class Members have submitted valid  
21 requests for exclusion to the Administrator and the Response Deadline has elapsed.

22           **IT IS SO ORDERED.**

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24           DATED:     **DEC 2 1 2022**  
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25             
26           \_\_\_\_\_  
27           HON. EVELIO M. GRILLO  
28           Judge of the Superior Court

<sup>1</sup> Pursuant to the Settlement, Class Members who are sent a re-mailed Notice Packet shall have their Response Deadline extended by fifteen (15) days. Settlement ¶ 80(a)(ii).