

FILED
San Diego Superior Court

SEP 24 2026

Clerk of the Superior Court
By: R. Cersosimo, Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

CHARLIE MARTINEZ, on behalf of others
similarly situated and the State of California
under the Private Attorneys General Act,

Plaintiffs,

vs.

MARATHON PETROLEUM COMPANY LP;
MARATHON PETROLEUM LOGISTICS
SERVICES LLC; and DOES 1 through 50,
inclusive,

Defendants.

Case No. 25CU001016C

Hon. Terrie E. Roberts
Dept. 68

CLASS ACTION

**~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

Motion for Prelim. App. Hearing:

Date: September 24, 2026

Time: 10:30 a.m.

[Filed concurrently with Plaintiff's Notice of
Motion and Motion for Preliminary Approval of
Class Action Settlement, Plaintiff's Memorandum
of Points and Authorities, and Declaration of
Conor J.D. Gómez]

Action Filed: January 7, 2025

1 This matter came on for hearing on September 24, 2026, at 10:30 a.m. in Department 68 of the
2 above-captioned Court on Plaintiff's Motion Preliminary Approval of Class Action Settlement
3 ("Motion").

4 Having fully reviewed the Motion, the supporting Memorandum of Points and Authorities,
5 Declaration of Conor J.D. Gómez (and its exhibits), including the Joint Stipulation of Class Action
6 Settlement and Release ("Settlement"), and the notice attached as Exhibit A to the Settlement (the
7 "Class Notice"), and in recognition of the Court's duties (to make a preliminary determination as to the
8 reasonableness of any proposed class action settlement; to ensure proper notice is provided to all class
9 members in accordance with due process requirements; and to set a final approval hearing to consider
10 the good faith, fairness, adequacy and reasonableness of the proposed Settlement), the Court makes the
11 following determinations and orders:

12 1. All defined terms used herein without definition shall be given the definition as agreed
13 to by the Charlie Martinez ("Plaintiff") and Marathon Petroleum Company LP and Marathon Petroleum
14 Logistics Services LLC ("Defendants" and together with Plaintiff, the "Parties") in the Settlement.

15 2. The class is hereby defined and certified as: "all current and former hourly, non-exempt
16 transport, pipeline, and terminal employees, excluding office and clerical workers, who worked for
17 Defendants in California at any time from November 13, 2020, to December 31, 2025" (each a "Class
18 Member", collectively the "Class").

19 3. The Court conditionally finds, for the purposes of approving this \$875,000 Settlement
20 (the "Gross Settlement Amount") only, the proposed Class meets the requirements for certification
21 under § 382 of the California Code of Civil Procedure: (a) the proposed class is ascertainable and so
22 numerous joinder of all Class Members is impracticable; (b) there are questions of law or fact common
23 to the proposed Class, and a well-defined community of interest among Class Members with respect to
24 the subject matter of the class action; (c) the claims of the Plaintiff are typical of the claims of the Class
25 Members; (d) the Plaintiff appears to be adequate to serve in the role of "Class Representative"; (e) a
26 class action is superior to other available methods for an efficient adjudication of this controversy in
27 the context of settlement; and (f) counsel of record for the Plaintiff, Ferraro Vega Employment
28 Lawyers, Inc., are qualified to serve as "Class Counsel."

1 4. The Court finds, on a preliminary basis, the Settlement, incorporated by this reference
2 in full, and made a part of this Order, appears to be within the range of reasonableness of a settlement
3 which could ultimately be given final approval by this Court.

4 5. The Court further finds, on a preliminary basis, (a) the non-reversionary Gross
5 Settlement Amount is fair and reasonable to the Class when balanced against the probable outcome of
6 further litigation relating to class certification, liability and damages issues, and potential appeals;
7 (b) sufficient investigation, research, and informal discovery, have been conducted such that counsel
8 for the Parties are able to reasonably evaluate their respective positions; (c) settlement at this time will
9 avoid substantial costs, delay, and risks presented by further prosecution of the litigation; and (d) the
10 proposed Settlement was reached through prudent and non-collusive negotiations.

11 6. The Court finds the allocation from the common fund of \$20,000 to "PAGA Penalties",
12 including the LWDA Payment of \$13,000 (its 65% share of the PAGA Penalties), as fair, adequate,
13 and reasonable in light of the overall Gross Settlement Amount and that the proposed Settlement has
14 been adequately submitted to the LWDA in advance of the preliminary approval hearing. Therefore,
15 the Court **APPROVES** the PAGA payment pursuant to Labor Code § 2699(s)(2).

16 7. Accordingly, good cause appearing, the Motion for Order Granting Preliminary
17 Approval of Class Action Settlement is **GRANTED**.

18 8. The Court further finds the proposed Class Notice fairly and adequately advises Class
19 Members of (a) pendency of the Settlement; (b) conditional class certification for settlement purposes
20 only; (c) preliminary Court approval of the proposed Settlement; (d) the date, time and place of the
21 Final Approval Hearing; (e) the terms of the proposed Settlement and the benefits available to the Class
22 under the Settlement; (f) their right to receive a proportionate share of the Net Settlement Proceeds
23 without the need to return a claim form; (g) their right to request exclusion, and the procedures and
24 deadline for doing so; (h) their right to object to the Settlement, and the procedure and deadline for
25 doing so; and (i) their right to appear at the final approval hearing.

26 9. The Court further finds the proposed Class Notice provides the best practicable notice
27 to the Class and comports with the constitutional requirements, including those of due process. The
28 Court further finds that mailing of the Class Notice to the last known address of all Class Members

with measures taken for verification of an address and skip tracing of bad addresses, as specifically described within the Settlement, constitutes an effective method of notifying Class Members of their rights with respect to the class action and the Settlement.

10. Therefore, for good cause, the Court **APPROVES** the Class Notice for distribution to the Class pursuant to the notice procedures set forth in full in the Settlement.

Accordingly, it is **ORDERED** that:

a. ILYM be appointed the Administrator of the Settlement, as more specifically set forth in the Settlement;

b. Ferraro Vega Employment Lawyers be appointed as Class Counsel;

c. Plaintiff Charlie Martinez be appointed as the Representative;

d. All deadlines, terms, and conditions set forth in the Settlement incorporated by reference into this Order shall apply and govern the Class Notice procedure and response deadlines;

e. Any Class Member who desires to object may appear in Court at the Final Approval Hearing to present oral objections;

f. If for any reason the Court does not execute and file an Order Granting Final Approval of Class Action Settlement, or if the Effective Date, as defined in the Settlement, does not occur for any reason whatsoever, the Settlement and the proposed Settlement that is the subject of this Order, and all evidence and proceedings had in connection therewith, shall be restored without prejudice to the *status quo ante*, pursuant to the terms set forth in the Settlement.

11. **IT IS FURTHER ORDERED** that the Final Approval Hearing and a hearing on Plaintiff's Motion for Attorneys' Fees and Litigation Costs shall both be held before the undersigned at 2/11/27 at 10:30 a.m. [hearing time] on [hearing date], in this Department.

12. At the Final Approval Hearing, the Court will consider the fairness, adequacy, and reasonableness of the proposed Settlement preliminarily approved in this Order and Class Notice process to be effectuated, and to consider the application for the Service Payment to the Class Representative, the Administration Expenses, Attorneys' Fees, and Litigation Costs.

1 13. The Court reserves the right to continue the Final Approval Hearing without further
2 notice to the Class. However, if written objections are submitted, Class Counsel is ordered to serve
3 notice on any such objecting Class Member of the new date and time of the Final Approval Hearing.

4 14. _____
5 _____
6 _____
7 _____

8 **IT IS SO ORDERED**

9 Date: _____

9/24/26

The Honorable Terrie E. Roberts
Judge of the Superior Court