

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SACRAMENTO

Gordon D. Schaber Superior Court, Department 23

JUDICIAL OFFICER: HONORABLE JILL H. TALLEY

Courtroom Clerk: T. Shaddix
Court Attendant: M. Aria

CSR: None

24CV019140

March 13, 2026
9:00 AM

**ENRIQUETA GONZALEZ ESPINO INDIVIDUALLY AND
ON BEHALF OF ALL OTHERS SIMILARLY SITUATED
vs
BERBER FOOD MANUFACTURING, LLC, A LIMITED
LIABILITY COMPANY, et al.**

MINUTES

APPEARANCES:

No Appearances

NATURE OF PROCEEDINGS: Hearing on Motion for Preliminary Approval of Settlement

There being no request for oral argument, the Court affirmed the tentative ruling.

TENTATIVE AFFIRMED

Plaintiffs Enriqueta Gonzalez Espino and Ana Diaz's ("Plaintiffs") motion for preliminary approval of class action and Private Attorneys General Act ("PAGA") settlement is UNOPPOSED and GRANTED as follows.

Overview

This is a wage and hour class and representative action. On September 24, 2024, Plaintiff Espino filed a class action complaint against Berber Food Manufacturing, LLC ("Defendant"). On November 27, 2024, Plaintiff Espino filed a first amended complaint to add a representative claim under PAGA. On November 17, 2025, Plaintiff Espino filed the operative second amended complaint to add Plaintiff Diaz to this action. Plaintiffs allege the following causes of action: (1) failure to pay minimum wages; (2) failure to pay overtime compensation; (3) failure to provide meal periods; (4) failure to authorize and permit rest breaks; (5) failure to indemnify necessary business expenses; (6) failure to timely pay final wages at termination; (7) failure to provide accurate itemized wage statements; (8) unfair business practices; and (9) civil penalties under PAGA.

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The Parties engaged in informal discovery before mediation. (Moon Decl. ¶¶ 7-8.) On October 8, 2025, the Parties participated in a mediation with Tripper Ortman, Esq. and reached a settlement (*Id.* at ¶ 9.) Thereafter, the Parties entered into a written settlement agreement. (*Id.* at Ex. 1 (“Agreement”).) Plaintiffs move for preliminary approval of this class and representative settlement. This ruling incorporates by reference the definitions in the Agreement and all capitalized terms defined therein shall have the same meaning in this ruling as set forth in the Agreement.

Settlement Class Certification

Plaintiffs move to certify the following settlement class: all current and former hourly, non-exempt individuals that worked for Defendant in California from September 24, 2020, through January 6, 2026 that did not sign an arbitration agreement. (Agreement ¶¶ 4 & 9.) There are approximately 130 Class Members. (Moon Decl. ¶ 21.) The Parties stipulate to class certification for settlement purposes only. (Agreement ¶ 83.) The Court finds – based on the moving papers – that Plaintiff has established the requisites for class certification. Accordingly, the Court preliminarily certifies the proposed class for settlement purposes only.

Aggrieved Employees

Aggrieved Employees are defined in the Agreement as: all current and former hourly, non-exempt employees that worked for Defendant in California from September 22, 2023, through January 6, 2026. (Agreement ¶¶ 2 & 22.) There are approximately 506 Aggrieved Employees. (Moon Decl. ¶ 21.) Aggrieved Employees will receive their share of the PAGA Penalty regardless of whether they opt out of the settlement’s class component. (Agreement ¶ 39 & Ex. A (“Class Notice”).) Plaintiff’s counsel gave notice of the settlement to the Labor and Workforce Development Agency (“LWDA”). (Moon Decl. Ex. 4.)

Class Representatives

The Court preliminarily appoints Plaintiffs as Class Representatives for settlement purposes only.

Class Counsel

The Court preliminarily appoints Moon Law Group, PC as Class Counsel for settlement purposes only.

Settlement Administrator

The Court approves ILYM Group, Inc. as the settlement administrator.

Fair, Adequate and Reasonable Settlement

The Court must find a settlement is “fair, adequate, and reasonable” before approving a class

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action settlement. (*Wershba v. Apple Computer* (2001) 91 Cal.App.4th 224, 244-245.) The trial court has broad discretion to determine whether a proposed settlement in a class action is fair, adequate, and reasonable. (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801.) “[A] presumption of fairness exists where: (1) the settlement is reached through arm’s-length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation; and (4) the percentage of objectors is small.” (*Id.* at 1802.) In making its fairness determination, the Court considers the strength of the Plaintiffs’ case, the risk, expenses, complexity and likely duration of further litigation, the risk of maintaining class action status through trial, the amount offered in settlement, the extent of discovery completed and the state of the proceedings, and the experience and views of counsel. (*Id.* at 1801.) In approving a class action settlement, the Court must “satisfy itself that the class settlement is within the ‘ballpark’ of reasonableness.” (*Kullar v. Foot Locker Retail, Inc.* (2008) 168 Cal.App.4th 116, 133.)

This is a non-reversionary, opt out settlement. Defendant will pay the Gross Settlement Amount (“GSA”) of \$525,000. (Agreement ¶ 35.) Defendant will separately pay employer-side payroll taxes owed on the wage portion of settlement payments. (*Ibid.*) The following will be paid out of the GSA: (1) attorneys’ fees equaling up to one-third of the GSA (\$175,000) and litigation costs up to \$26,000 to Class Counsel; (2) service awards of up to \$10,000 for each Class Representative (totaling \$20,000); (3) settlement administration costs not to exceed \$8,000 absent good cause; (4) a PAGA penalty of \$30,000 (65% of which will be paid to the LWDA and 35% of which will be paid to Aggrieved Employees); and (5) individual class member payments. (*Id.* at ¶¶ 47-52.)

For tax purposes, class member payments will be treated as 20% wages and 80% non-wages. (Agreement ¶ 68.) PAGA payments will be treated entirely as non-wages. (*Ibid.*) Class Members have 60 days to respond to the Class Notice. (*Id.* at ¶ 32.) The funds from settlement checks that remain uncashed after 180 days will be sent to the California Unclaimed Property Fund and held in the payee’s name. (*Id.* at ¶ 65.) The average individual class member recovery is estimated to be \$2,046.15; the average individual PAGA recovery is estimated to be \$20.75. (Moon Decl. ¶ 21.)

Disposition

The Court preliminarily finds that all relevant factors support settlement approval. (*Dunk*, *supra*, 48 Cal.App.4th at 1802.) The papers demonstrate the settlement was reached after arms-length bargaining between the parties and was reached after sufficient discovery and negotiations, which allowed the parties, and therefore, this Court, to act intelligently with respect to the settlement. Class Counsel conducted an investigation into the facts and law and issues in this case, including the exchange of discovery and the review of relevant information. The settlement appears to be within the “ballpark of reasonableness.” (Moon Decl. ¶¶ 27-41.) Therefore, the motion is granted. The Court also approves the proposed Class Notice. The Notice shall be disseminated as provided in the Agreement. The Court will sign the proposed order submitted with the moving papers.

The Final Approval Hearing will take place on July 17, 2026, at 9:00 a.m. in this Department.

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Plaintiffs must include any request for attorneys' fees, costs, and the service award in the final approval motion, not a separately filed motion.

Counsel for Plaintiffs is directed to notice all parties of this order.

Hearing on Motion for Final Approval of Settlement is scheduled for 07/17/2026 at 9:00 AM in Department 23 at Gordon D. Schaber Superior Court.

By: */s/ T. Shaddix*
T. Shaddix, Deputy Clerk

Minutes of: 03/13/2026
Entered on: 03/13/2026