

FILED  
JAN 03 2024  
STEPHANIE BOHRER, CLERK  
By *[Signature]* DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN JOAQUIN

MIGUEL A. VIGIL RUIZ, individually, on  
behalf of all others similarly situated, and on  
behalf of the State of California and other  
aggrieved persons,

*Plaintiff,*

v.

THE DE RUOSI GROUP, LLC dba DERUOSI  
NUT, a California Limited Liability Company,  
and DOES 1 through 10, inclusive,

*Defendants.*

Case No.: STK-CV-UOE-2022-8780

**CLASS & REPRESENTATIVE ACTION**

*[Assigned for all purposes to: Barbara  
Kronlund, Dept. 10D]*

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

*[Filed with Notice of Motion and Motion,  
Memorandum of Points and Authorities, the  
Declaration of John G. Yslas, and the  
Declaration of Plaintiff Ruiz]*

**PRELIMINARY APPROVAL HEARING**

Date: **NOV 30 2023**  
Time: 9:00 a.m.  
Dept: 10D

Complaint filed: September 30, 2022  
Trial date: Not set

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY APPROVAL OF  
CLASS ACTION SETTLEMENT

**FILED BY FAX**

DEC 18 2023

**[PROPOSED] ORDER**

Having reviewed Plaintiff Miguel A. Vigil Ruiz's Motion for Preliminary Approval of Class Action Settlement ( "Motion"), the Declaration of John G. Yslas, Plaintiff's declaration, and the Class Action and PAGA Settlement Agreement and Class Notice ( "Settlement Agreement"), and good cause appearing, the Court finds and orders as follows:

1. The Court finds on a preliminary basis that the Settlement Agreement appears to be fair, adequate, and reasonable and therefore meets the requirements for preliminary approval. The Court grants preliminary approval of the Settlement and the Settlement Class based on the terms set forth in the Settlement Agreement between Plaintiff and Defendant The De Ruosi Group, LLC ("DeRuosi"), attached to the Declaration of John G. Yslas in Support of Plaintiffs' Motion for Preliminary Approval of Class Action Settlement as **Exhibit 1**.

2. The Settlement falls within the range of reasonableness of a settlement which could ultimately be given final approval by this Court, and appears to be presumptively valid, subject only to any objections that may be raised at the Final Approval Hearing and final approval by this Court. The Court notes that Defendant has agreed to create a common fund of \$425,000.00 to cover (a) settlement payments to Class Members who do not validly opt out; (b) a \$20,000.00 allocation toward civil penalties under the Private Attorneys General Act, 75% of which (\$15,000.00) will be paid to the State of California, Labor & Workforce Development Agency and 25% of which (\$5,000.00) will be paid to eligible Aggrieved Employees; (c) Class Representative service payment of up to \$5,000.00 to Plaintiff; (d) Class Counsel's attorneys' fees, not to exceed 33 1/3% of the Gross Settlement Amount (i.e., \$141,666.67), and up to \$14,000.00 in costs for actual litigation expenses incurred by Class Counsel; (e) Settlement Administration Costs of up to \$6,950.00; and (f) Defendant's share of employer payroll taxes on the portion of Individual Class Member payments allocated to wages.

3. The Court preliminarily finds that the terms of the Settlement appear to be within the range of possible approval, pursuant to California Code of Civil Procedure § 382 and applicable law. The Court finds on a preliminary basis that: (1) the Settlement amount is fair and reasonable to the Class Members when balanced against the probable outcome of further

1 litigation relating to class certification, liability and damages issues, and potential appeals; (2)  
2 significant informal discovery, investigation, research, and litigation have been conducted such  
3 that counsel for the Parties at this time are able to reasonably evaluate their respective positions;  
4 (3) settlement at this time will avoid substantial costs, delay, and risks that would be presented  
5 by the further prosecution of the litigation; and (4) the proposed Settlement has been reached as  
6 the result of intensive, serious, and non-collusive negotiations between the Parties with the  
7 assistance of a well-respected class action mediator. Accordingly, the Court preliminarily finds  
8 that the Settlement Agreement was entered into in good faith.

9 4. A final fairness hearing on the question of whether the proposed Settlement,  
10 attorneys' fees and costs to Class Counsel, payment to the State of California, Labor &  
11 Workforce Development Agency for its share of the settlement of claims for penalties under the  
12 Private Attorneys General Act, and the class representatives' enhancement awards should be  
13 finally approved as fair, reasonable and adequate as to the members of the Class is hereby set  
14 in accordance with the Implementation Schedule set forth below.

15 5. The Court provisionally certifies for settlement purposes only the following class  
16 (the "Class"): "all persons employed by DeRuosi in California and classified as an hourly-paid  
17 or non-exempt employees who worked for DeRuosi during the Class Period."

18 6. "Class Period" means the period from April 5, 2018 to the earlier of the date of  
19 an order approving Plaintiffs' Motion for Preliminary Approval of the Settlement, or August 1,  
20 2023.

21 7. The Court finds, for settlement purposes only, that the Settlement Class meets the  
22 requirements for certification under California Code of Civil Procedure § 382 in that: (1) the  
23 Settlement Class Members are so numerous that joinder is impractical; (2) there are questions  
24 of law and fact that are common, or of general interest, to all Settlement Class Members, which  
25 predominate over individual issues; (3) Plaintiffs' claims are typical of the claims of the  
26 Settlement Class Members; (4) Plaintiffs and Class Counsel will fairly and adequately protect  
27 the interests of the Settlement Class Members; and (5) a class action is superior to other  
28 available methods for the fair and efficient adjudication of the controversy.

1 8. The Court appoints as Class Representatives, for settlement purposes only,  
2 Plaintiff. The Court further preliminarily approves Plaintiffs' ability to request an incentive  
3 award up to \$5,000.00.

4 9. The Court appoints, for settlement purposes only, John G. Yslas, Jeffrey C. Bils,  
5 Aram Boyadjian, and Andrew Sandoval of Wilshire Law Firm, PLC, as Class Counsel. The  
6 Court further preliminarily approves Class Counsel's ability to request attorneys' fees of up to  
7 one-third of the Total Settlement Amount (i.e., \$141,666.67), and costs not to exceed  
8 \$14,000.00.

9 10. The Court appoints ILYM Group, Inc. as the Settlement Administrator with  
10 reasonable administration costs estimated not to exceed \$6,950.00.

11 11. The Court approves, as to form and content the Class Notice, attached to the  
12 Settlement Agreement. The Court finds on a preliminary basis that plan for distribution of the  
13 Notice to Settlement Class Members satisfies due process, provides the best notice practicable  
14 under the circumstances, and shall constitute due and sufficient notice to all persons entitled  
15 thereto.

16 12. The Parties are ordered to carry out the Settlement according to the terms of the  
17 Settlement Agreement.

18 13. Any Class Member who does not timely and validly request exclusion from the  
19 Settlement may object to the Settlement Agreement.

20 14. The Court orders the following Implementation Schedule:

21

22 Defendant to provide Class List to the	10 January 2, 2024 <i>YB</i>
23 Settlement Administrator	
24 Settlement Administrator to mail the Notice	January 17, 2024
25 Packets	
26 Response Deadline	March 18, 2024
27 Deadline to Respond to Objections	March 18, 2024

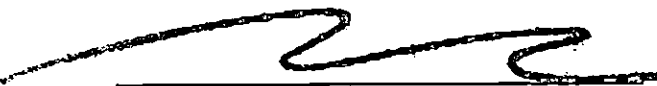
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1	Deadline for Administrator to Submit Report	April 1, 2024
2	Deadline to file Motion for Final Approval,	
3	Request for Attorney's Fees and Costs, and	April 1, 2024
4	Service Awards to Plaintiffs	June 4,
5	Final Approval Hearing	May 1, 2024

6        15.    The Court further ORDERS that, pending further order of this Court, all  
7 proceedings in this lawsuit, except those contemplated herein and in the settlement, are stayed.

8        **IT IS SO ORDERED.**

10  
11    DATE:    **JAN 03 2024**

  
Hon. Barbara Kronlund  
San Joaquin County Superior Court

**FW-003****Order on Court Fee Waiver  
(Superior Court)**

Clerk stamps date here when form is filed.

**RECEIVED**  
2023-11-03 08:55:31**① Person who asked the court to waive court fees:**Name: Dominic Anthony Civiletti JRStreet or mailing address: 403 Lasata DrCity: Tracy State: CA Zip: 95377**② Lawyer, if person in ① has one (name, firm name, address, phone number, e-mail, and State Bar number):**

\_\_\_\_\_  
 \_\_\_\_\_  
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Fill in court name and street address:

**Superior Court of California, County of**  
**San Joaquin**  
 108 E Weber Ave  
 Stockton, CA 95215

Fill in case number and name:

**Case Number:**  
 STK-CV-LCCR-2023-0008631

**Case Name:**  
 MCT Group vs Dominic Civiletti

**③ A request to waive court fees was filed on (date):** November 3, 2023☐ The court made a previous fee waiver order in this case on (date): \_\_\_\_\_**Read this form carefully. All checked boxes are court orders.**

**Notice:** The court may order you to answer questions about your finances and later order you to pay back the waived fees. If this happens and you do not pay, the court can make you pay the fees and also charge you collection fees. If there is a change in your financial circumstances during this case that increases your ability to pay fees and costs, you must notify the trial court within five days. (Use form FW-010.) If you win your case, the trial court may order the other side to pay the fees. If you settle your civil case for **\$10,000** or more, the trial court will have a lien on the settlement in the amount of the waived fees. The trial court may not dismiss the case until the lien is paid.

**④ After reviewing your: ☐ Request to Waive Court Fees ☐ Request to Waive Additional Court Fees the court makes the following orders:**a. ☐ The court grants your request, as follows:(1) ☐ **Fee Waiver.** The court grants your request and waives your court fees and costs listed below. (Cal. Rules of Court, rules 3.55 and 8.818.) You do not have to pay the court fees for the following:

- Filing papers in superior court
- Making copies and certifying copies
- Sheriff's fee to give notice
- Reporter's fee for attendance at hearing or trial, if the court is not electronically recording the proceeding and you request that the court provide an official reporter
- Assessment for court investigations under Probate Code section 1513, 1826, or 1851
- Preparing, certifying, copying, and sending the clerk's transcript on appeal
- Holding in trust the deposit for a reporter's transcript on appeal under rule 8.130 or 8.834
- Making a transcript or copy of an official electronic recording under rule 8.835
- Court fee for phone hearing
- Giving notice and certificates
- Sending papers to another court department

(2) ☐ **Additional Fee Waiver.** The court grants your request and waives your additional superior court fees and costs that are checked below. (Cal. Rules of Court, rule 3.56.) You do not have to pay for the checked items.

- |   |   |
|---|---|
| <input type="checkbox"/> Jury fees and expenses           | <input type="checkbox"/> Fees for a peace officer to testify in court   |
| <input type="checkbox"/> Fees for court-appointed experts | <input type="checkbox"/> Court-appointed interpreter fees for a witness |
| <input type="checkbox"/> Other (specify): _____           |   |

Your name: Dominic Anthony Civiletti JR

Case Number:

STK-CV-LCCR-2023-0008631

b. ☐ The court denies your fee waiver request because:

**Warning!** If you miss the deadline below, the court cannot process your request for hearing or the court papers you filed with your original request. If the papers were a notice of appeal, the appeal may be dismissed.

(1) Your request is incomplete. You have 10 days after the clerk gives notice of this Order (see date of service ☐ on next page) to:

- Pay your fees and costs, or
- File a new revised request that includes the incomplete items listed:  
☐ Below ☐ On Attachment 4b(1)

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(2) ☐ The information you provided on the request shows that you are not eligible for the fee waiver you requested for the reasons stated: ☐ Below ☐ On Attachment 4b(2)

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The court has enclosed a blank *Request for Hearing About Court Fee Waiver Order (Superior Court)* (form FW-006). You have 10 days after the clerk gives notice of this order (see date of service below) to:

- Pay your fees and costs in full or the amount listed in c below, or
- Ask for a hearing in order to show the court more information. (Use form FW-006 to request hearing.)

c. (1) ☐ The court needs more information to decide whether to grant your request. You must go to court on the date on page 3. The hearing will be about the questions regarding your eligibility that are stated:

☐ Below ☐ On Attachment 4c(1)

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(2) ☐ Bring the items of proof to support your request, if reasonably available, that are listed:

☐ Below ☐ On Attachment 4c(2)

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**This is a Court Order.**

Your name: Dominic Anthony Civiletti JR

Case Number:

STK-CV-LCCR-2023-0008631

Name and address of court if different from above:

Hearing  
Date

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**Warning!** If item c(1) is checked, and you do not go to court on your hearing date, the judge will deny your request to waive court fees, and you will have 10 days to pay your fees. If you miss that deadline, the court cannot process the court papers you filed with your request. If the papers were a notice of appeal, the appeal may be dismissed.

Date: \_\_\_\_\_

Signature of (check one):

☐

Judicial Officer

☐

Clerk, Deputy

### Request for Accommodations



Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk's office for *Request for Accommodations by Persons With Disabilities and Response* (form MC-410). (Civ. Code, § 54.8.)

### Clerk's Certificate of Service

I certify that I am not involved in this case and (check one):

- ☐ I handed a copy of this Order to the party and attorney, if any, listed in ① and ②, at the court, on the date below.
- ☐ This order was mailed first class, postage paid, to the party and attorney, if any, at the addresses listed in ① and ②, from (city): \_\_\_\_\_, California, on the date below.
- ☐ A certificate of mailing is attached.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

Name: \_\_\_\_\_

**This is a Court Order.**