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8 *the Putative Class and Collective*

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF RIVERSIDE**

13
14 **GERRY DANIEL and BRYCE MONSON,**
individually and on behalf of all others
15 similarly situated,

16 Plaintiffs,

17 vs.

18 **MARS WRIGLEY CONFECTIONERY**
US, LLC, a Delaware Limited Liability
19 Company,

20 Defendant.

Case No. CVRI2204632

21 ~~[AMENDED PROPOSED]~~ ORDER
22 **GRANTING PRELIMINARY**
APPROVAL OF CLASS, COLLECTIVE,
23 **AND REPRESENTATIVE ACTION**
24 **SETTLEMENT**

25 ASSIGNED FOR ALL PURPOSES TO
26 JUDGE HAROLD HOPP
27 DEPARTMENT 10

28 Date: May 13, 2024

Time: 8:30 a.m.

Reservation No.: 715960504311

Action Filed: October 25, 2022

Trial Date: None Set

1 This matter is before the Court on Plaintiffs’ unopposed Motion for Preliminary Approval of
2 Class, Collective, and Representative Action Settlement based on a Settlement Agreement in the above-
3 titled case. The Motion, having been fully considered by the Court, and it appearing to the Court upon
4 preliminary examination that the Settlement set forth herein is within the range of reasonableness, and
5 that a hearing should and will be held after notice to the California Class to confirm that the Settlement
6 Agreement is fair, adequate, and reasonable, and to determine whether a judgment should be entered in
7 this action thereon,

8 IT IS HEREBY ORDERED THAT:

9 1. This Order hereby incorporates by reference the definitions in the Settlement
10 Agreement, and all terms used herein shall have the same meaning as set forth in the Settlement
11 Agreement.

12 2. The Court preliminarily approves the Settlement Agreement and finds that it is
13 within the range of reasonableness as to the California Class and Defendant, and is the product of
14 good faith, arm’s length negotiations between the Parties.

15 3. The Court certifies, for the purposes of this Settlement, a provisional California
16 Class (“CA Class”) defined as: all persons who were employed by Defendant in California as
17 Territory Sales Managers (“TSMs”) during the Class Period of April 30, 2018 through the earlier
18 of July 31, 2024 or the Preliminary Approval Date.

19 4. The Court also certifies, for the purposes of this Settlement, a nationwide Fair
20 Labor Standards Act collective action under 29 U.S.C. § 216(b) defined as: all persons who were
21 employed by Defendant as a TSM during the Class Period of February 10, 2020 through the
22 earlier of July 31, 2024 or the Preliminary Approval Date.

23 5. The Court appoints and designates CPT Group, Inc. as Settlement Administrator.
24 The Court further preliminarily approves the payment of the settlement administration costs as
25 provided in the Settlement Agreement. The services that the Settlement Administrator will be
26 required to perform are set forth in the Settlement Agreement.

27 6. The Court appoints and designates Plaintiff Gerry Daniel as Class Representative
28 for the California Class and The Jhaveri-Weeks Firm, P.C. as Class Counsel. The Court appoints

1 and designates Mr. Daniel and Bryce Monson as representatives of the FLSA collective action and
2 The Jhaveri-Weeks Firm as counsel for the FLSA collective.

3 7. The Court preliminarily approves payment from the Final Gross Settlement
4 Amount of the Service Awards to Plaintiffs and payment of attorneys’ fees and costs to Class
5 Counsel as set forth in the Settlement Agreement, with final approval of those awards to be
6 determined following the class notice process and the submission of a Motion for Attorneys’ Fees,
7 Costs, and Representative Plaintiffs’ Service Awards.

8 8. The Court approves the California Class Notice and finds that the method of
9 disseminating the Class Notice meets the requirements of due process and is the best notice
10 practicable under the circumstances. The Court approves the Non-California Notice as
11 appropriate under 29 U.S.C. § 216(b).

12 9. Notice shall be provided to the Class Members in the following manner: Within 20
13 days of entry of this Order, Defendants shall provide the Class Data List to the Settlement
14 Administrator. Within 10 business days of receiving the Class Data List, the Settlement
15 Administrator will send by email (to personal emails only, if known) and by first class mail,
16 forwarding requested, the following:

- 17 a. The CA Class Notice in the form of **Exhibit A** to this Order (“CA Class
18 Notice”) to the CA Class Members. The mailed version of the CA Class
19 Notice includes an objection and “opt-out” form that the CA Class
20 Members may use as well as a pre-paid stamped envelope addressed to the
21 claims administrator.
- 22 b. The Non-CA Collective Notice in the form of **Exhibit B** to this Order
23 (“Non-CA Collective Notice”) to the Non-CA Putative Collective
24 Members. The mailed version of the Non-CA Collective Notice includes an
25 “opt in” form that the Non-CA Putative Collective Members may use as
26 well as a pre-paid, stamped envelope addressed to the claims administrator.
27 It will also include a QR code linking to an electronic “opt-in” option on the
28 case-specific website set up by the Settlement Administration.

1 The emailed version of both the CA Class Notice and Non-CA Collective Notice will include a
2 link that will allow recipients to submit responses electronically.

3 10. CA Class Members will have sixty (60) calendar days from the date of the first
4 mailing to submit requests for exclusion or written objections; however, CA Class Members may
5 object orally at the Final Approval Hearing, which would also be timely. Unless a CA Class
6 Member submits a valid and timely Request for Exclusion as provided in the Settlement
7 Agreement, he or she will automatically become a CA Settlement Class Member. CA Class
8 Members who wish to be excluded from the Settlement must do so in writing and must include the
9 CA Class Member's full name, signature, address, and last four digits of his or her social security
10 number, as well as the case name and number and a clear statement that he or she seeks to be
11 excluded from the Settlement. CA Class Members who wish to object to the Settlement must
12 either (a) do so in writing and must include the CA Class Member's full name, address, and last
13 four digits of his or her social security number, as well as the case name and number and a clear
14 statement of the basis for his or her objection; or (b) appear at the Final Approval Hearing in
15 person or through counsel and object orally. All exclusions and written objections must be
16 emailed or postmarked to the Settlement Administrator no later than the Response Deadline. Any
17 timely written objections and opt-outs shall be submitted to the Court by a declaration from the
18 Settlement Administrator at the time the Motion for Final Approval is filed.

19 11. Non-CA Putative Collective Members will have sixty (60 days) from the date of
20 the first mailing to submit an opt-in form to participate in the Settlement. All Non-CA Putative
21 Collective Members who submit a valid and timely opt-in form will become Non-CA Collective
22 Settlement Members. Any opt-in form must contain the following: full name, signature, address,
23 and last four digits of his or her social security number; case name and number; and a clear
24 statement that he or she seeks to be a Plaintiff in the Litigation. The opt-in form must be emailed,
25 electronically submitted, or postmarked to the Settlement Administrator no later than the Response
26 Deadline, as stated in the Settlement Agreement. All timely opt-in forms received shall be
27 submitted to the Court by a declaration from the Settlement Administrator at the time the Motion
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1 for Final Approval is filed. A Non-CA Putative Collective Member who fails to timely comply
2 with the opt-in procedure set forth herein will not participate in the Settlement.

3 12. If any CA Class Member or Non-CA Putative Collective Member timely disputes
4 the calculation of the settlement allocation listed on his or her Notice, the dispute will be
5 submitted to the Settlement Administrator, who will inform Class Counsel and Mars's counsel,
6 who shall meet and confer in good faith to try to resolve the dispute, including by involving the
7 mediator if necessary. If counsel are unable to reach agreement, the Settlement Administrator
8 shall resolve the dispute based on the documents submitted by Mars and the TSM. Disputes must
9 be in writing and submitted to the Settlement Administrator, postmarked on or before the
10 Response Deadline. A dispute must contain the Class Member's full name, address, signature,
11 and last four digits of his or her Social Security number, and any facts supporting the Class
12 Member's dispute, including any supporting materials confirming that the calculation on the
13 notice is incorrect. The Settlement Administrator's determination of disputes will be final and
14 non-appealable but will not impact the Final GSA. If a Non-CA Putative Collective Member has
15 filed a timely dispute, the Non-CA Putative Collective Member shall be given notice that he or she
16 has until the later to the Response Deadline or 20 days after he or she is informed of the outcome
17 of the dispute to submit a Non-CA Opt-In Form.

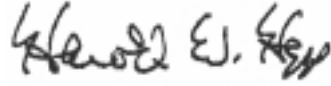
18 13. Within 30 days of the notice mailing, the settlement administrator shall send a
19 reminder postcard to any CA Class Member or Non-CA Putative Collective Member who has not
20 submitted a claim or exclusion form.

21 14. The Final Approval Hearing shall be held on September 26, 2024 at 8:30 a.m. to
22 determine whether the Settlement Agreement is fair, adequate, reasonable, and should be
23 approved. Plaintiffs' Motion for Approval of Attorneys' Fees, Costs, and Class Representatives'
24 Service Awards shall be heard on the same date and at the same time. If the hearing is continued,
25 the Settlement Administrator or Class Counsel shall give notice of the new hearing date to any
26 objecting party. Plaintiffs' Motion for Final Approval and supporting papers, Plaintiffs' Motion
27 for Approval of Attorneys' Fees, Costs, and Class Representatives' Service Awards and
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1 supporting papers, and responses to any objections shall be filed and served at least 16 court days
2 before the hearing.

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5 **IT IS SO ORDERED.**

6 Date: T æ Āí, 2024



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Hon. Harold Hopp
9 Judge of the Superior Court