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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

ALEXANDER J. LEON, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

MISHIMA FOODS USA, INC., and DOES 1
through 50, inclusive,

Defendants.

Case No.: 20STCV38201

**[PROPOSED] ORDER RE: PLAINTIFF'S
MEMORANDUM IN SUPPORT OF
MOTION FOR AN ORDER (1) GRANTING
CONDITIONAL CLASS CERTIFICATION,
(2) GRANTING PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT, AND (3) SETTING FINAL
APPROVAL HEARING**

1 Before the Court is Plaintiff's unopposed Motion for Conditional Class Certification;
2 Preliminary Approval of Class Action Settlement; and Setting Final Approval Hearing Date. Having
3 reviewed and considered the unopposed Motion, and having heard and considered the oral arguments
4 of counsel, the Court makes the findings and grants the relief set forth below, preliminarily approving
5 the Settlement contained in the Settlement Agreement and Release of Claims (the "Settlement
6 Agreement" as attached as Exhibit D to the Declaration for Trenton R. Kashima) upon the terms and
7 conditions set forth in this Order. All terms and phrases in this Order shall have the same meaning as
8 they are defined in the Settlement Agreement.

9 **NOW, THEREFORE, IT IS HEREBY ORDERED:**

10 1. The Court certifies, for settlement proposes only, the following Settlement Class:

11 all persons who purchased, between April 6, 2016 and the date of Preliminary
12 Approval, Mishima's Wasabi Green Peas Product in California for personal, family or
household use.

13 2. The Court finds that Plaintiff Jordan Alexander J. Leon will fairly and adequately
14 represent the interest of the Settlement Class and therefore appoints him as a class representative.

15 3. The Court finds that the law firm of Sommers Schwartz, P.C. and attorney Trenton R.
16 Kashima are competent and experienced counsel that will adequately represent the interest of the
17 Settlement Class and therefore appoints the firm as Class Counsel.

18 4. The Court preliminarily approves the settlement terms set forth in the Settlement
19 Agreement as fair, reasonable, and adequate, subject to final consideration at the Fairness Hearing
20 provided for below.

21 5. Simpluris Inc., the Settlement Administrator selected and agreed to by the parties, is
22 appointed as the Settlement Administrator.

23 6. The Court finds the Class Notice constrained with Notice Packets, attached to the
24 Settlement Agreement as Exhibits A and B, and the provision of the Class Notice outline in the
25 Settlement Agreement will provide adequate notice to the Class.

26 7. The Settlement Administrator effectuate notice and send, in the manner and form
27 approved by this Court, no later than thirty (30) days after entry of this Order.

28 8. Prior to the Fairness Hearing (defined herein), Class Counsel and Defendant shall file

1 with the Court an appropriate affidavit or declaration attesting to the parties' compliance with the
2 distribution of notice as set forth in this Order.

3 9. A hearing (the "Fairness Hearing") shall be held before this Court on _____,
4 2022, at _____, in Department 12 of the Superior Court of California, County of Los
5 Angeles, Spring Street Courthouse, to determine:

- 6 a. whether the terms set forth in the Agreement are fair, reasonable, adequate, and in the
7 best interests of the Settlement Class;
- 8 b. whether a Final Order and Judgment, as provided for in the Agreement, should be
9 entered granting final approval of the settlement; and
- 10 c. whether, and in what amount, attorneys' fees, costs and expenses, and Class
11 Representative incentive award, should be paid.

12 10. Class Member may object to the Settlement by submitting a timely written statement to the
13 Settlement Administrator that describes the Class Member's objection in specific terms and the reasons
14 for any such objection, including any evidence and legal authority the Class Member wishes to bring to
15 the Court's attention and any evidence the Class Member wishes to introduce in support of his or her
16 objection, as well as the Class Member's name, email and postal addresses, and telephone number, and
17 information demonstrating that the Class Member is entitled to be included as a Member of the Class. To
18 be timely, written notice of an objection in the format above must be mailed to the Settlement Administrator
19 within one hundred and twenty (120) days of this Order.

20 11. Class Member may also object to the Settlement by appearing at the Fairness Hearing. No
21 written objection need to be filed in order for a Class Member to be heard at the Fairness Hearing.

22 12. Each Class Member desiring to opt-out to the Settlement shall submit a timely written
23 notice to the Settlement Administrator evidence their intention to opt out, as well as the Class Member's
24 name and address. To be timely, written notice of an opt-out must be mailed to the Settlement
25 Administrator within one hundred and twenty (120) days of this Order.

26 13. Class Member may submit Claims under the Settlement to the Settlement Administrator
27 within one hundred and twenty (120) days of this Order.

28 14. Not later than ten (10) days before the Fairness Hearing, the Settlement Administrator

1 will prepare and deliver to Mishima's Counsel, who shall file with the Court and serve on Class
2 Counsel, a report stating: (1) the total number of persons who have submitted timely and valid requests
3 for exclusion from the Settlement Class and the names of such persons; and (2) the total number of
4 persons who have submitted timely valid claims, and the aggregate value of those claims.

5 15. Class Counsel will file a Motion for approval of attorney's fees, costs, and class
6 representative service awards no later than Ninety (90) days after this Order. This Motion, and all
7 supporting documents, shall be posted to the Settlement Website.

8 16. The parties may respond to any Objectors, if any, no later than fourteen (14) days before
9 the Fairness Hearing.

10 17. All discovery and pretrial proceedings in this Action are stayed and suspended until further
11 order of this Court.

12 18. Neither the Settlement Agreement, nor the terms contained therein, nor any act performed
13 or document executed pursuant to or in furtherance of the Settlement Agreement or the Settlement: (a) is
14 or may be deemed to be, or any be used as an admission of, or evidence of, the validity or lack thereof of
15 any Released Claim, or of any wrongdoing or liability of Defendant; or (b) is or may be deemed to be, or
16 may be used as an admission of, or evidence of, any fault or omission of Defendant, in any civil, criminal,
17 or administrative proceeding in any court, administrative agency, or other tribunal.

18 **IT IS SO ORDERED.**

19 DATE: 03/17/2022



Carolyn B. Kuhl

Carolyn B. Kuhl / Judge

Carolyn B. Kuhl
Superior Court of California