



**FILED**  
ALAMEDA COUNTY

SEP 20 2017

CLERK OF THE SUPERIOR COURT  
By *gestrada* Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA**

Case No.: HG16801566

ALAN DUCORSKY, on behalf of himself, all  
others similarly situated and the general public,

Plaintiff,

v.

PREMIER ORGANICS,

Defendant.

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

Date: Sept. 20, 2017  
Time: 2:30pm  
Dept.: 17  
Judge: Hon. George C. Hernandez Jr.

**BY FAX**

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1 Plaintiff's motion for preliminary approval of a proposed class action settlement came on for hearing  
2 on September 20, 2017. Having read and considered the parties' Amended Settlement Agreement<sup>1</sup> and  
3 plaintiff's application and all papers submitted in connection therewith, IT IS HEREBY ORDERED:

4 1. This Order incorporates by reference the definitions in the Amended Settlement Agreement,  
5 and all terms used herein shall have the same meaning as that set forth in the Amended Settlement  
6 Agreement, provided however, that in the event of any inconsistency, the terms of this Order shall control.

7 2. For purposes of settlement only, and in accordance with the standards set forth in *Dunk v.*  
8 *Ford Motor Co.* (1996) 48 Cal. App. 4th 1794, the Court preliminarily certifies this litigation as a class  
9 action and preliminarily certifies the settlement Class as follows:

10 All persons who, during the Class Period (January 26, 2012 to September 20, 2017),  
11 purchased 14-ounce jars of Premier Organics' Artisana Virgin Coconut Oil, 16-ounce jars  
12 of Premier Organics' Artisana Virgin Coconut Oil, and/or boxes of 10 one-ounce packets  
13 of Premier Organics' Artisana Virgin Coconut Oil, for personal or household use, with the  
14 label or packaging depicted in Exhibit A-1. Excluded from the Class are Premier Organics,  
15 its corporate parents, subsidiaries and affiliates, officers and directors, any entity in which  
16 Premier Organics has a controlling interest, and the legal representatives, successors or  
17 assigns of any such excluded persons or entities.

18 3. The Court finds that the requirements of Cal. Code Civ. P. § 382 have been satisfied and the  
19 Court has made a preliminary determination that plaintiff Alan Ducorsky is an adequate Class  
20 Representative for the Class.

21 4. The Court finds that plaintiff's counsel, The Law Office of Jack Fitzgerald, PC, and The Law  
22 Office of Paul K. Joseph, PC, and each of their attorneys, can adequately represent the Class, and hereby  
23 appoints them Class Counsel.

24 5. The Court appoints Rust Consulting as the settlement administrator.

25 6. The Court finds that, subject to the Final Approval hearing, the Amended Settlement  
26 Agreement is fair, reasonable, adequate, and in the best interests of the Settlement Class. The Court further

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28 <sup>1</sup> As ordered by the Court, plaintiff filed an Amended Settlement Agreement with revised Exhibits A, B, and  
C on September 14, 2017.

1 finds that the Amended Settlement Agreement substantially fulfills the purposes and objectives of the class  
2 action and provides beneficial relief to the Settlement Class. The Court also finds that the Amended  
3 Settlement Agreement: (a) is the result of serious, informed, non-collusive arms'-length negotiations,  
4 involving experienced counsel familiar with the legal and factual issues of this case and made with the  
5 assistance and supervision of JAMS mediator Cathy Yanni; (b) meets all applicable requirements of law,  
6 including Cal. Code Civ. Proc. §382; and (c) is not a finding or admission of liability by Defendant.

7 7. A Fairness Hearing for Final Approval shall be held on December 20, 2017, before the  
8 Honorable George C. Hernandez Jr., in Department 17 of the Alameda County Superior Court, located at  
9 1221 Oak Street, Oakland, California 94612. <sup>Reservation # R-1892758</sup> The purpose of the Fairness Hearing will be to determine  
10 whether: (a) the proposed Settlement should be finally approved by the Court as fair, reasonable, and  
11 adequate for the Class; (b) any objections to the Settlement should be sustained or overruled; (c) the fee and  
12 expense payment sought by Class Counsel should be approved in the amount requested; (d) the service  
13 award sought by Class Representative should be approved in the amount requested; and (3) the Final  
14 Approval Order and Judgment dismissing the Action with prejudice should be entered.

15 8. The Court hereby approves the form and content of the Class Notice in the form attached to  
16 the Amended Settlement Agreement as Exhibit A. The Court finds that dissemination of the Notice Plan as  
17 proposed in the Amended Settlement Agreement meets the requirements of Cal. Code Civ. P. § 382, Cal.  
18 R. Ct. 3.769(f), and due process, and further constitutes the best notice practicable under the circumstances.  
19 Accordingly, the Court hereby approves the Notice Plan as set forth in Exhibit B of the Amended Settlement  
20 Agreement. Rust Consulting shall forthwith make public the Class Settlement Website, at the URL  
21 www.ArtisanaSettlement.com. Rust Consulting shall commence Class Notice consistent with the Notice  
22 plan on September 28, 2017, which shall constitute due and sufficient notice to all persons entitled thereto.

23 9. During the Notice period and extending 60 calendar days after commencement of Notice, to  
24 November 27, 2017, Class Members who wish to participate in the Settlement may make claims in the  
25 manner provided in paragraph 2.2 and Exhibit A of the Amended Settlement Agreement.

26 10. All papers in support of a motion for final approval of the Settlement, any request by Class  
27 Counsel for approval of attorneys' fees and expenses, and any request by Class Representative for approval  
28 of a service award, should be filed no later than November 29, 2017, and posted to the Class Settlement

1 Website reasonably soon thereafter.

2 11. Any Class Member may request exclusion from the Settlement Class by mailing a completed  
3 Opt Out Form, Exhibit C to the Amended Settlement Agreement, available on the Class Settlement Website,  
4 to Rust Consulting, postmarked no later than December 6, 2017. Any Class Member who submits a timely  
5 and valid request for exclusion shall have no rights under the Settlement, will not be entitled to any benefits  
6 of the Settlement, and will not be bound by the Amended Settlement Agreement, its Release, this Order, or  
7 the Final Approval Order and Judgment. Absent relief from the Court, Class Members who do not request  
8 exclusion by timely completing and mailing to Rust Consulting an Opt Out Form, shall be deemed to be  
9 members of the Class, and will be bound by the terms and conditions of the Amended Settlement Agreement,  
10 its Release, and the Final Approval Order and Judgment.

11 12. Any Class Member who wishes to appear at the Final Approval Hearing, must file a signed  
12 Notice of Intention to Appear in substantially the same form as prescribed in paragraph 3.4, no later than  
13 December 6, 2017.

14 13. Any Class Member who wishes to object to all or any part of the proposed Settlement may  
15 do so by submitting a signed written objection in substantially the same form as prescribed in paragraph  
16 3.3, no later than December 6, 2017, which is ten (10) court days before the Fairness Hearing.

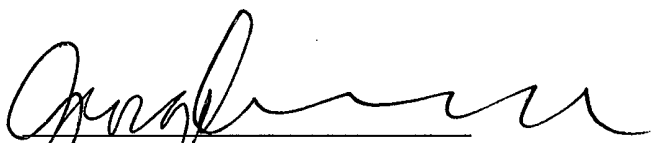
17 14. The parties are permitted to file a response to any written objection, and in further support of  
18 the motion for final approval, no later than December 13, 2017, which is five (5) court days before the  
19 Fairness Hearing.

20 15. The Court reserves the right to adjourn the date of the Fairness Hearing without further notice  
21 to the Class, and retains jurisdiction to consider all further applications arising out of or connected with the  
22 proposed Settlement.

23 16. Pending the Court's ruling at the Fairness Hearing, neither Class Representative, the Class  
24 Members, nor any other person or entity shall institute or prosecute any of the matters referenced as Released  
25 Claims in the Amended Settlement Agreement.

26 **IT IS SO ORDERED.**

27 Dated: 9/20/2017

  
Hon. George C. Hernandez, Jr.