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MAY 21 2024

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF FRESNO

BY \_\_\_\_\_ DEPUTY

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11/14/2023 10:13 AM  
FRESNO COUNTY SUPERIOR COURT  
By: Estela Gonzalez, Deputy

16 **IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA**  
17 **IN AND FOR THE COUNTY OF FRESNO**

18 MANMOHAN DHILLON, dba RANCHOS  
19 VALERO, SATNAM PABLA, dba GMG  
20 FOOD STORE 101 and MADERA AVE.  
21 MARKET, SERGE HAITAYAN, dba 7-11  
22 NUMBER 17906b, DALJIT SINGH, dba  
23 LIQUOR MAX, and PAR VENTURES, LLC,  
24 dba, QUICK PICK, on Their Own Behalves  
25 and on Behalf of All Others Similarly Situated  
26 and on Behalf of the General Public,

27 Plaintiffs,

28 v.

ANHEUSER-BUSCH, LLC, DONAGHY  
SALES, LLC, a California Corporation;  
ANHEUSER-BUSCH DOES 1-5 and DOES  
6 through 50, inclusive,

Defendants.

CASE NO. 14CECG03039 JMS

**[PROPOSED] ORDER GRANTING  
PRELIMINARY APPROVAL OF CLASS  
ACTION SETTLEMENT**

JUDGE: Honorable Jon M. Skiles

DATE: January 17, 2024

TIME: 3:30PM

DEPT: 403

1 WHEREAS, the above-styled action was filed on October 10, 2014;

2 WHEREAS, Plaintiffs Manmohan Dhillon, dba Ranchos Valero, Satnam Pabla, dba GMG  
3 Food Store 101 and Madera Market, Serge Haitayan, dba 7-11 Number 17906b, Daljit Singh, dba  
4 Liquor Max and Par Ventures, LLC, dba Quick Pick ("Plaintiffs"), individually and on behalf of  
5 a proposed class, and Defendants Anheuser-Busch, LLC, Donaghy Sales, LLC ("Defendants"),  
6 (collectively, the "Settling Parties"), by and through their attorneys of record, have entered into a  
7 Settlement Agreement (the "Settlement") resolving the Action, subject to Court approval;

8 WHEREAS, the Action was settled as a result of arm's length negotiations, investigation  
9 and discovery sufficient to permit counsel and the Court to act knowingly, and counsel are  
10 experienced in similar litigation;

11 WHEREAS, Plaintiffs have moved the Court for entry of an order preliminarily approving  
12 the Settlement, and approving the form and method of notice upon the terms and conditions set  
13 forth in the Declaration; and

14 WHEREAS, the Court, having considered the Settlement, and the pleadings submitted in  
15 support of the Motion for Preliminary Approval together with all exhibits thereto and relevant  
16 records in this case, and the arguments of counsel and for good cause appearing, hereby orders as  
17 follows:

18 **I. Preliminary Approval**

19 1. The Court preliminarily approves the Settlement Agreement and the terms and  
20 conditions of settlement set forth in the Settlement Agreement as fair, reasonable and adequate.  
21 The terms of the Settlement Agreement are sufficiently within the range of reasonableness to  
22 warrant notice to the Class and are subject to further consideration at the Fairness Hearing.

23 2. For purposes of the Settlement, the Court appoints Dennis J. Stewart of Gustafson  
24 Gluek PLLC, Joseph Goldberg of Freedman Boyd Hollander & Goldberg P.A., and Darryl J.  
25 Horowitz of Coleman & Horowitz, LLP, as Class Counsel to act on behalf of the Class and the  
26 Class Representatives with respect to the Settlement.

27 3. A class is certified for the purposes of Settlement to include: All persons who  
28 owned retail business establishments in Fresno and Madera Counties classified in the Donaghy

1 sales database within one of the following channel descriptions and channel id numbers ("Cid#"):  
2 a) Convenience/Cid# 190; b) Oil and Service/Cid# 195; c) Grocery/Cid# 265; d) Gas and  
3 Convenience/Cid# 294; e) Package Liquor/Cid# 200; f) Mom and Pop/Cid# 175; g) Deli/Cid# 180;  
4 h) Bodega/Cid# 185; and i) Package Liquor/Cid# 290, and which purchased from Donaghy beer  
5 manufactured and/or sold by Anheuser-Busch during the period from October 10, 2010 through  
6 December 31, 2014 excluding Vikram and Vinay Vohra, and Hardeep Singh and all entities  
7 owned, controlled by, or affiliated with any of them.

8 4. No later than \_\_\_\_\_, (150) days after the Preliminary Approval Hearing, the  
9 Court will hold a Final Approval Hearing before Judge Skiles, at the Superior Court for the County  
10 of Fresno, 1130 O Street, Fresno, California, 93724, to consider: (a) whether the proposed  
11 settlement of the Action on the terms set forth in the Settlement Agreement should be approved as  
12 fair, just, reasonable, adequate and in the best interests of the Class; (b) the application by Class  
13 Counsel for an award of attorneys' fees and expenses; (c) the application for Class Representative  
14 service awards; (d) the plan for allocating net settlement proceeds among class members; (e)  
15 whether the release of Released Claims should be provided; (f) whether the Court should enter the  
16 [Proposed] Final Order and Judgment; and (g) ruling upon such other matters as the Court may  
17 deem just and appropriate.

18 5. The Final Approval Hearing may, from time to time and without further notice to  
19 the Class Members (except those who have filed timely and valid objections), be continued or  
20 adjourned by order of the Court.

21 6. The Parties may further modify the Settlement Agreement prior to the Final  
22 Approval Hearing so long as such modification does not materially change the terms of the  
23 settlement provided thereunder. The Court may approve the Settlement Agreement with such  
24 modifications as may be agreed to by the Parties, if appropriate, without further notice to the Class  
25 Members.

26 7. No later than \_\_\_\_\_, (60) days before the Final Approval Hearing, Plaintiffs  
27 shall file opening papers in support of the motion for an award of attorneys' fees, expenses, and  
28

11/5/2024  
ON 10/27/24 @ 3:30 pm Dept 403

1 service awards to class representatives. The opening papers shall be served upon any objector who  
2 has complied with the provisions of paragraph 7 of this Order.

3 8. Objections by any Class Member to the fairness, reasonableness, or adequacy of  
4 the Settlement Agreement shall be heard, and any papers submitted in support of said objection  
5 shall be considered by the Court at the Final Approval Hearing only if, on or before 9/6/2024  
6 (45 days before the Final Approval Hearing, set above), such objector files with the Clerk of the  
7 Superior Court of Fresno County and serves upon the parties' counsel a written objection  
8 consistent with the terms of the Class Notice. In order to be considered for hearing, all objections  
9 must be actually received by the counsel identified in the Class Notice on or before 9/6/2024,  
10 (45 days before the Final Approval Hearing set above). A Class Member need not appear at the  
11 Fairness Hearing in order for their objection to be considered.

12 9. Any Class Member who wishes to opt out of the Class must mail a written Request  
13 for Exclusion to the Settlement Administrator, postmarked or delivered no later than 9/20/2024  
14 (45 days before the Final Approval Hearing set above). The written request must be signed by the  
15 Class Member, and otherwise comply with the requirements for exclusion as set forth in the Class  
16 Notice. Any Class Member who does not submit a valid and timely Request for Exclusion will be  
17 bound by the judgment and orders in this Action.

18 10. No later than 9/24/2024, (30) days before the Final Approval Hearing,  
19 Plaintiffs shall file opening papers in support of the motion for final approval of the settlement.  
20 The opening papers shall be served upon any objector who has complied with the provisions of  
21 paragraph 6 of this Order.

## 22 II. The Court Approves the Form and Method of Class Notice

23 11. The Court appoints Gilardi & Co. as the Settlement Administrator for the purpose  
24 of executing the approved Notice Plan and if approved, administering the claims process and  
25 distribution of the net settlement proceeds to authorized class members.

26 12. Having considered the Direct Mail Notice, Long From Notice, and Publication  
27 Notice, attached as Exhibits 2, 3, and 4 to the Declaration of Peter Crudo In Support of Plaintiffs'  
28 Motion for Preliminary Approval of Class Action Settlement ("Crudo Decl.") and the Notice Plan

1 described in the Crudo Decl., the Court approves the form and contents of the Class Notice and  
2 the Notice Plan.

3 13. No later than 30 days after the date upon which the Court enters this Preliminary  
4 Approval Order, the Settlement Administrator is ordered to disseminate class notice pursuant to  
5 the Notice Plan

6 14. The Court finds that the notice to the Class Members regarding settlement of the  
7 Action, including the content of the notices and method of dissemination to the Class Members  
8 approved herein constitutes the best notice practicable under the circumstances and constitute  
9 valid, due and sufficient notice to all Class Members, complying fully with the requirements of  
10 California Code of Civil Procedure § 382, California Rules of Court Rules 3.766 and 3.769(f), the  
11 California and United States Constitutions, and any other applicable law.

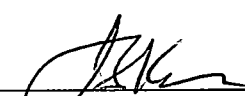
12 15. The Court has considered the Claims procedures, described in the Stewart and  
13 Crudo Declarations, and approves as to form and content the Claim Forms attached as Exhibit 5  
14 to the Crudo Declaration.

15 16. Settlement Class Members who qualify for and wish to claim under the Settlement  
16 shall do so in accordance with the requirements and procedures of the Claims Protocol and the  
17 Claim Form. The Claims Deadline is 90 days after the last day Direct Mail Notice is mailed to  
18 Class Members. All Settlement Class Members who fail to timely submit a claim in accordance  
19 with the requirements and procedures of the Claims Protocol shall be forever barred from receiving  
20 any such benefit but will in all other respects be subject to and bound by the provisions of the  
21 Settlement Agreement and the releases contained therein.

22 17. The costs of disseminating class notice, claims review, and all other costs of  
23 implementing the Settlement Agreement shall be paid from the Settlement Fund.

24 18. No later than 30 days before the date of the Final Approval Hearing, the Settlement  
25 Administrator shall file with the Court: (1) a list of persons who requested exclusion from the  
26 Class; and (2) a written report detailing the implementation of the Notice Plan.

DATED: 5-21-2024

  
\_\_\_\_\_  
THE HONORABLE JONATHAN M. SKILES  
SUPERIOR COURT OF CALIFORNIA

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