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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

FEB 23 2018

BY Stephanie Carr
STEPHANIE CARR, DEPUTY

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA

15 FOR THE COUNTY OF SAN BERNARDINO

16 SAN BERNARDINO JUSTICE CENTER

17 RENEE MORALES, individually, and on
18 behalf of all other aggrieved employees,

19 PLAINTIFF,

20 v.

21 OPARC, a California corporation; and
22 DOES 1 through 50, inclusive,

Case No.: CIVDS 1622051

CLASS ACTION

[Assigned to the Hon. Brian S. McCarville,
Dept. S30]

~~PROPOSED~~ ORDER AND JUDGMENT
GRANTING PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND REQUEST FOR
ATTORNEYS' FEES

Hearing Date: February 23, 2018

Time: 8:30 A.M.

Dept.: S30

Action Filed: December 29, 2016

Trial Date: None Set

[PROPOSED] ORDER

On October 31, 2017, this Court issued an order granting preliminary approval of the proposed class action settlement between Plaintiff Renee Morales ("Plaintiff") and Defendant OPARC ("Defendant"). Plaintiff now seeks an order granting final approval of the Class Action Settlement Agreement and Release ("Settlement Agreement").

The Court preliminarily approved that this litigation could be maintained as a class action for settlement purposes only. It conditionally certified the following class ("Class" or "Settlement Class") for settlement purposes only:

All current and former non-exempt employees who performed work for Defendant in the State of California at any time from December 29, 2012 until October 31, 2017.

The Court appointed, for settlement purposes only, the Law Offices of Scott E. Wheeler and the Wand Law Firm and as Class Counsel, Plaintiff as representative for the Class, and Atticus Administration, LLC as the Settlement Administrator.

The Court further directed the Parties to provide notice to the Class, which informed absent Class Members of: (a) the proposed Settlement and the Settlement's key terms; (b) the date, time, and location of the Final Approval Hearing; (c) the right of any Class Member to object to the proposed Settlement, and an explanation of the procedures to exercise that right; (d) the right of any Class Member to exclude themselves from the proposed Settlement, and an explanation of the procedures to exercise that right; and (e) an explanation of the procedures for Class Members to participate in the proposed Settlement.

Thereafter, Plaintiff filed an unopposed Motion for Final Approval of Class Action Settlement and Request for Attorneys' Fees and Costs ("Final Approval Motion") and supporting documents.

The Court, upon Notice having been given as required in the Preliminary Approval Order, and having considered the proposed Settlement, as well as all papers filed, hereby ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

1. This Court has jurisdiction over the subject matter of the action and over all Parties

1 to the action, including all members of the Settlement Class.

2 2. The Settlement is in all respects fair, reasonable, and adequate, and it is hereby
3 approved.

4 3. The Settlement Class is properly certified as a class for settlement purposes only.

5 4. The Notice provided to the Settlement Class conforms with the requirements of
6 California Code of Civil Procedure section 382, California Civil Code section 1781, California
7 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other
8 applicable law, and constitutes the best notice practicable under the circumstances, by providing
9 individual notice to all Class Members who could be identified through reasonable effort, and by
10 providing due and adequate notice of the proceedings and of the matters set forth therein to the
11 other Class Members. The notice fully satisfied the requirements of due process.

12 5. The Court finds the Settlement was entered into in good faith, that the settlement is
13 fair, reasonable, and adequate, and that the Settlement satisfies the standards and applicable
14 requirements for final approval of this class action settlement under California law, including the
15 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
16 3.769.

17 6. Upon entry of this Order, compensation to the participating members of the
18 Settlement Class shall be effected pursuant to the terms of the Settlement.

19 7. In addition to any recovery that Plaintiff may receive as a Settlement Class
20 Member under the Settlement, and in recognition of Plaintiff's efforts on behalf of the Settlement
21 Class, the Court hereby approves the payment of an enhancement award to Plaintiff Renee
22 Morales in the amount of \$5,000 for her services as class representative, and Defendant shall
23 cause this sum to be paid to Plaintiff in accordance with the Settlement Agreement.

24 8. The Court approves the payment of attorney's fees to Class Counsel in the amount
25 of \$171,667.00 and reimbursement of reasonable litigation expenses in the amount of \$10,639.27,
26 and Defendant shall cause this sum to be paid to Class Counsel in accordance with the Settlement
27 Agreement.

28 9. The Court approves the payment of actual settlement administration costs in the

1 amount of \$4,255.00 to Atticus, and Defendant shall cause this sum to be paid to Atticus in
2 accordance with the Settlement Agreement.

3 10. The Court approves and orders payment in the amount of \$20,250.00 (which
4 represents 75% of the \$27,000.00 allocated for the PAGA payment) to the California Labor and
5 Workforce Development Agency, which represents a fair and equitable sum for resolution of
6 claims raised pursuant to Labor Code section 2698 *et seq.*, and Defendant shall cause this sum to
7 be paid to the LWDA in accordance with the Settlement Agreement.

8 11. The Gross Settlement Amount, the Net Settlement Amount, and the methodology
9 used to calculate and pay each Settlement Class Member's individual settlement payment are fair
10 and reasonable, and the Court authorizes the Settlement Administrator to issue individual
11 settlement payments to each Settlement Class Member in accordance with the Settlement
12 Agreement.

13 12. Upon the Effective Date, Plaintiff and all members of the Settlement Class, except
14 the two (2) Class Members, namely Susan Hernandez and Barbara Lee Chavez, have submitted
15 valid and timely Exclusion Forms to the Settlement Administrator, shall have, by operation of this
16 Order and the accompanying Judgment, fully, finally, and forever released, relinquished, and
17 discharged Defendant from all Released Claims as defined by the terms of the Settlement.

18 13. Upon completion of the administration of the Settlement, Plaintiff shall file a
19 declaration from the Settlement Administrator concerning the amount of money distributed and
20 certifying completion of the administration of the Settlement.

21 14. This Judgment is intended to be a final disposition of the above captioned action in
22 its entirety, and is intended to be immediately appealable.

23 15. This Court shall retain jurisdiction with respect to all matters related to the
24 administration and consummation of the Settlement, and any and all claims, asserted in, arising
25 out of, or related to the subject matter of the lawsuit, including but not limited to all matters
26 related to the Settlement and the determination of all controversies relating thereto.

27 16. An OSC re: compliance with the terms of the Settlement is set for 8-22, 2018
28 at 8:30 a.m. in Department S30. A report from Atticus re: distribution of the Settlement funds

shall be filed by on or before _____, 2018.

17. Plaintiff's Motion for Final Approval of Class Action Settlement and Request for Attorneys' Fees and Costs is hereby granted and the Court directs that a judgment shall be entered in accordance with the terms of this Order.

IT IS SO ORDERED AND ADJUDICATED.

DATED: 2-23-18

GILBERT G. OCHOA
HON. ~~BRIAN S. MCCARVILLE~~
JUDGE OF THE SUPERIOR COURT