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LOS ANGELES SUPERIOR COURT

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FILED  
Superior Court of California  
County of Los Angeles

APR 15 2021

Sheri R. Carter, Executive Officer/Clerk  
By [Signature] Deputy  
Marisela Fregoso

Edwin Aiwarzian (SBN 232943)  
Arby Aiwarzian (SBN 269827)  
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES- SPRING STREET COURTHOUSE**

GREGORY SCHAEFER, individually, and on  
behalf of other members of the general public  
similarly situated and on behalf of other  
aggrieved employees pursuant to the  
California Private Attorneys General Act;

Plaintiff,

vs.

DENSO PRODUCTS AND SERVICES  
AMERICAS, INC., a California corporation;  
and DOES 1 through 100, inclusive,

Defendants.

Case No.: 19STCV00685

Honorable Elihu M. Berle  
Department SSC6

**CLASS ACTION**

**[PROPOSED] FINAL APPROVAL  
ORDER AND JUDGMENT**

Date: April 15, 2021  
Time: 9:00 a.m.  
Department: SSC6

Complaint Filed: January 10, 2019  
FAC Filed: August 13, 2020  
Trial Date: None Set

04/15/2021

1 This matter has come before the Honorable Elihu M. Berle in Department SSC6 of the  
2 above-entitled Court, located at 312 North Spring Street, Los Angeles, California 90012, on  
3 Plaintiff Gregory Schaefer's ("Plaintiff") Motion for Final Approval of Class Action Settlement,  
4 Attorneys' Fees, Costs, and Service Award ("Motion for Final Approval"). Lawyers *for* Justice,  
5 PC appeared on behalf of Plaintiff, and Ogletree, Deakins, Nash, Smoak & Stewart, P.C. appeared  
6 on behalf of Defendant Denso Products and Services Americas, Inc. ("Defendant").

7 On December 15, 2020, the Court entered the Order Granting Preliminary Approval of  
8 Class Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the  
9 settlement of the above-entitled action ("Action") in accordance with the Joint Stipulation of Class  
10 Action and PAGA Settlement ("Settlement," "Agreement," or "Settlement Agreement"), which,  
11 together with the exhibits annexed thereto, set forth the terms and conditions for settlement of the  
12 Action.

13 Having reviewed the Settlement Agreement and duly considered the parties' papers and  
14 oral argument, and good cause appearing,

15 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

- 16 1. All terms used herein shall have the same meaning as defined in the Settlement  
17 Agreement and the Preliminary Approval Order.
- 18 2. This Court has jurisdiction over the claims of the Class Members asserted in this  
19 proceeding and over all parties to the Action.
- 20 3. The Court finds that the applicable requirements of California Code of Civil  
21 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with respect  
22 to the Class and the Settlement. The Court hereby makes final its earlier provisional certification  
23 of the Class for settlement purposes, as set forth in the Preliminary Approval Order. The Class is  
24 hereby defined to include:

25 All current and former hourly-paid or non-exempt employees who worked for  
26 Defendant within the State of California at any time during the period from  
27 January 10, 2015 through June 2, 2020. ("Class" or "Class Members").

- 28 4. The Notice of Class Action Settlement ("Class Notice") that was provided to the

1 Class Members, fully and accurately informed the Class Members of all material elements of the  
2 Settlement and of their opportunity to participate in, object to or comment thereon, or to seek  
3 exclusion from, the Settlement; was the best notice practicable under the circumstances; was valid,  
4 due, and sufficient notice to all Class Members; and complied fully with the laws of the State of  
5 California, the United States Constitution, due process and other applicable law. The Class Notice  
6 fairly and adequately described the Settlement and provided the Class Members with adequate  
7 instructions and a variety of means to obtain additional information.

8         5. Pursuant to California law, the Court hereby grants final approval of the Settlement  
9 and finds that it is reasonable and adequate, and in the best interests of the Class as a whole. More  
10 specifically, the Court finds that the Settlement was reached following meaningful discovery and  
11 investigation conducted by Lawyers *for* Justice, PC (“Class Counsel”); that the Settlement is the  
12 result of serious, informed, adversarial, and arms-length negotiations between the parties; and that  
13 the terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding, the  
14 Court has considered all of the evidence presented, including evidence regarding the strength of  
15 Plaintiff’s claims; the risk, expense, and complexity of the claims presented; the likely duration of  
16 further litigation; the amount offered in the Settlement; the extent of investigation and discovery  
17 completed; and the experience and views of Class Counsel. The Court has further considered the  
18 absence of objections to and requests for exclusion from the Settlement submitted by Class  
19 Members. Accordingly, the Court hereby directs that the Settlement be affected in accordance  
20 with the Settlement Agreement and the following terms and conditions.

21         6. A full opportunity has been afforded to the Class Members to participate in the  
22 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been  
23 heard. The Class Members also have had a full and fair opportunity to exclude themselves from  
24 the Settlement. Accordingly, the Court determines that all Class Members who did not timely and  
25 validly opt out of the Settlement (“Settlement Class Member”) are bound by this Final Approval  
26 Order and Judgment.

27         7. The Court finds that payment of Settlement Administration Costs in the amount of  
28 \$10,977.00 is appropriate for the services performed and costs incurred and to be incurred for the

1 notice and settlement administration process. It is hereby ordered that the Settlement  
2 Administrator, Atticus Administration, LLC, shall issue payment to itself in the amount of  
3 \$10,977.00, in accordance with the terms and methodology set forth in Settlement Agreement.

4 8. The Court finds that the Service Award sought is fair and reasonable for the work  
5 performed by Plaintiff on behalf of the Class. It is hereby ordered that the Settlement  
6 Administrator issue payment in the amount of \$7,500.00 to Plaintiff Gregory Schaefer for his  
7 Service Award, according to the terms and methodology set forth in the Settlement Agreement.

8 9. The Court finds that the allocation of \$300,000.00 toward penalties under the  
9 California Private Attorneys General Act of 2004 ("PAGA Payment"), is fair, reasonable, and  
10 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA  
11 Payment as follows: the amount of \$225,000.00 to the California Labor and Workforce  
12 Development Agency, and the amount of \$75,000.00 to be included in the Net Settlement Amount  
13 for distribution to Settlement Class Members, according to the terms and methodology set forth in  
14 the Settlement Agreement.

15 10. The Court finds that the request for attorneys' fees in the amount of ~~\$612,500.00~~ **\$583,333** to  
16 Class Counsel falls within the range of reasonableness, and the results achieved justify the award  
17 sought. The requested attorneys' fees to Class Counsel are fair, reasonable, and appropriate, and  
18 are hereby approved. It is hereby ordered that the Settlement Administrator issue payment in the  
19 amount of ~~\$612,500.00~~ **\$583,333** to Class Counsel for attorneys' fees, in accordance with the terms and  
20 methodology set forth in the Settlement Agreement.

21 11. The Court finds that reimbursement of litigation costs and expenses in the amount  
22 of \$18,318.71 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the  
23 Settlement Administrator issue payment in the amount of \$18,318.71 to Class Counsel for  
24 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set  
25 forth in the Settlement Agreement.

26 12. The Court hereby enters Judgment by which Settlement Class Member shall be  
27 conclusively determined to have given a release of any and all Released Claims against the  
28 Released Parties, as set forth in the Settlement Agreement and Class Notice.


1           13.     It is hereby ordered that Defendant shall deposit the Maximum Settlement Amount  
2 into an account established by the Settlement Administrator within ten (10) calendar days after the  
3 Effective Date, in accordance with the terms and methodology set forth in the Settlement  
4 Agreement.

5           14.     It is hereby ordered that the Settlement Administrator shall distribute Individual  
6 Settlement Payments to the Settlement Class Members within twenty-five (25) calendar days after  
7 Defendant funds the Maximum Settlement Amount, according to the methodology and terms set  
8 forth in the Settlement Agreement.

9           15.     After entry of this Final Approval Order and Judgment, pursuant to California Rules  
10 of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret, implement, and  
11 enforce the Settlement Agreement and this Final Approval Order and Judgment, to hear and  
12 resolve any contested challenge to a claim for settlement benefits, and to supervise and adjudicate  
13 any dispute arising from or in connection with the distribution of settlement benefits.

14           16.     Notice of entry of this Final Approval Order and Judgment shall be given to the  
15 Class Members by posting a copy of the Final Approval Order and Judgment on Atticus  
16 Administration, LLC's website for a period of at least sixty (60) calendar days after the date of  
17 entry of this Final Approval Order and Judgment. Individualized notice is not required.

18           17. OSC re Compliance with Terms of Settlement  
is set for 12/10/21 @ 8:30 am, Report due 12/11/21

19 Dated: April 15, 2021   
20 HONORABLE ELIN M. BERLE  
21 JUDGE OF THE SUPERIOR COURT  
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