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

NOV - 7 2023

BY Jessica Garcez  
JESSICA GARCEZ, DEPUTY

8 Attorneys for Plaintiff Jehu Jimenez

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 FOR THE COUNTY OF SAN BERNARDINO

11 JEHU JIMENEZ, individually, and on behalf of  
12 other members of the general public similarly  
13 situated, and as an aggrieved employee pursuant  
14 to the Private Attorneys General Act ("PAGA"),  
15 on behalf of the State of California and other  
16 aggrieved employees,

17 Plaintiff,

18 vs.

19 APPLE CORE ENTERPRISES, INC., a North  
20 Dakota corporation; APPLEVALLEY, INC., a  
21 North Dakota corporation; APPLE BMONT,  
22 INC., a North Dakota corporation;  
23 APPLCENTRO, INC., a North Dakota  
24 corporation; APPLE CITY, INC., a North  
25 Dakota corporation; APPLE PALM, INC., a  
26 North Dakota corporation; APPLE QUINTA,  
27 INC., a North Dakota corporation;  
28 APPLEXICO, INC., a North Dakota  
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No.: CIVSB2134762

Assigned to the Hon. Joseph T. Ortiz

**[PROPOSED] ORDER AND JUDGMENT  
GRANTING MOTION FOR FINAL  
APPROVAL OF CLASS ACTION AND  
PAGA SETTLEMENT AND MOTION FOR  
ATTORNEYS' FEES, COSTS AND  
EXPENSES, AND A CLASS  
REPRESENTATIVE ENHANCEMENT  
PAYMENT**

Date: November 2, 2023  
Time: 1:30 p.m.  
Place: Department S17

Complained Filed: December 21, 2021  
Trial Date: None

1 **ORDER**

2 This matter came before the Court for a hearing on the Motion for Final Approval of the Class  
3 Action and PAGA Settlement and Motion for Attorneys’ Fees, Costs and Expenses, and a Class  
4 Representative Enhancement Payment (collectively, the “Motions”). Due and adequate notice having  
5 been given to Class Members as required by the Court’s Preliminary Approval Order, and the Court  
6 having reviewed the Motions, and determining that the settlement is fair, adequate and reasonable, and  
7 otherwise being fully informed and **GOOD CAUSE** appearing therefore, it is hereby **ORDERED AS**  
8 **FOLLOWS:**

9 1. For the reasons set forth in the Preliminary Approval Order, which are adopted and  
10 incorporated herein by reference, this Court finds that the requirements of California Code of Civil  
11 Procedure section 382 and rule 3.769 of the California Rules of Court have been satisfied.

12 2. This Order hereby adopts and incorporates by reference the terms and conditions of the  
13 Joint Stipulation of Class Action and PAGA Settlement and Release (“Settlement Agreement” or  
14 “Settlement”), together with the definitions and terms used and contained therein.

15 3. The Court finds that it has jurisdiction over the subject matter of the action and over all  
16 parties to the action, including all members of the Settlement Class.

17 4. The Class Notice fully and accurately informed Class Members of all material elements  
18 of the proposed settlement and of their opportunity to opt out or object; was the best notice practicable  
19 under the circumstances; was valid, due, and sufficient notice to all Class Members; and complied fully  
20 with the laws of the State of California and due process. The Class Notice fairly and adequately  
21 described the settlement and provided Class Members with adequate instructions and a variety of means  
22 to obtain additional information.

23 5. Class Members were given a full opportunity to participate in the Final Approval  
24 hearing, and all Class Members and other persons wishing to be heard have been heard. Accordingly, the  
25 Court determines that all Class Members who did not timely and properly opt out of the settlement are  
26 bound by this Order.

27 6. The Court has considered all relevant factors for determining the fairness of the  
28 settlement and has concluded that all such factors weigh in favor of granting final approval. In particular,





