

01/31/2023

Clerk of the Court, Executive Officer / Clerk of the Court

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF ALAMEDA**

15 KANEISHA KINGSBURY, individually, and on
16 behalf of all others similarly situated, and on
17 behalf of the State of California and other
18 aggrieved persons,

19 *Plaintiff,*

20 v.

21 CARAVAN FOODS II, INC., a corporation; and
22 DOES 1 through 10, inclusive,

23 *Defendants.*

Case No.: RG21096357

CLASS ACTION

[Assigned to: Hon. Brad Seligman, Dept. 23]

**[PROPOSED] ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND JUDGMENT**

FINAL APPROVAL HEARING

Date: January 31, 2023

Time: 3:00 p.m.

Dept: 23

1 This matter coming before the Court on Plaintiff Kaneisha Kingsbury's ("Plaintiff")
2 Motion for Final Approval of Class Action Settlement (the "Final Approval Motion"), and after
3 review and consideration of the parties' fully-executed Stipulation of Settlement and First
4 Amendment to Stipulated Settlement Agreement (collectively, the "Settlement" or "Settlement
5 Agreement") and the papers in support of the Final Approval Motion, due and adequate notice
6 having been given to the Class, and the Court having reviewed and considered the Settlement,
7 all papers filed, the record, proceedings in the above-entitled action ("Litigation" or "Action"),
8 and all oral and written comments received regarding the Settlement, and good cause appearing
9 therefor,

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

11 1. Other than the defined terms set forth in this Order, the Court, for purposes of this
12 Order, adopts all defined terms as set forth in the Settlement filed in this case.

13 2. The Court has jurisdiction over all claims asserted in the Action, Plaintiff, all
14 members of the Settlement Class, and Defendant Caravan Foods II, Inc. ("Defendant").

15 3. The Court finds that the Settlement appears to have been made and entered into in
16 good faith and hereby approves the settlement subject to the limitations on the requested fees and
17 enhancements as set forth below.

18 4. Plaintiff and all Participating Class Members shall have, by operation of this Final
19 Order and Judgment, fully, finally, and forever released, relinquished, and discharged Defendant
20 and the Released Parties from all released claims as set forth in the Settlement.

21 5. Plaintiff, the State of California, and all Participating PAGA Members shall have,
22 by operation of this Final Order and Judgment, fully, finally, and forever released, relinquished,
23 and discharged Defendant and the Released Parties from all released PAGA claims as set forth in
24 the Settlement.

25 6. The Parties shall bear their own respective attorneys' fees and costs, except as
26 otherwise provided for in the Settlement and approved by the Court.

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1 7. Solely for purposes of effectuating the settlement, the Court finally certified the
2 following Class: “All persons who worked for Defendant in California as an hourly-paid or non-
3 exempt employee during the Settlement Period.”

4 8. The Settlement Period is April 9, 2017 through June 7, 2022.

5 9. The PAGA Period is April 12, 2020 to June 7, 2022.

6 10. No Settlement Class Members have objected to the terms of the Settlement.

7 11. One Class Member has requested exclusion from the Settlement. The excluded
8 Class Member is Micaela Alvarado.

9 12. The Notice provided to the Class conforms with the requirements of California
10 Rules of Court 3.766 and 3.769, and constitutes the best notice practicable under the circumstances,
11 by providing individual notice to all Class Members who could be identified through reasonable
12 effort, and by providing due and adequate notice of the proceedings and of the matters set forth
13 therein to the Class Members. The Notice fully satisfies the requirements of due process.

14 13. The Court finds the Settlement Amount, the Net Settlement Amount, and the
15 methodology used to calculate and pay the Net Settlement Payments to each Participating Class
16 Member are fair and reasonable and authorizes the Settlement Administrator to pay the Net
17 Settlement Payments to the Participating Class Members in accordance with the terms of the
18 Stipulation.

19 14. The Court approves the Settlement and finds that it is fair, reasonable, and adequate,
20 and worthy of final approval.

21 15. The Court also finds the PAGA Settlement is fair and reasonable, and that Plaintiff
22 provided notice of the proposed Settlement to the Labor and Workforce Development Agency
23 (LWDA) and will fully and adequately comply with the notice requirements of California Labor
24 Code section 2699(1). The Court hereby approves the PAGA Settlement.

25 16. Defendant shall pay the total of \$1,250,000.00 to resolve this litigation. No later
26 than thirty (30) calendar days following the Final Effective Date (i.e., the date on which Court’s
27 Final Approval Order becomes “Final,” as described in the Settlement). Defendant shall deposit
28 this amount and employer taxes into an account established by the Settlement Administrator.

1 Thereafter, compensation to the Participating Class Members shall be disbursed pursuant to the
2 terms of the Settlement (i.e., within 35 calendar days of the Final Effective Date).

3 (a) From the Settlement Amount, \$30,000.00 shall be paid to the California
4 Labor and Workforce Development Agency, representing approximately
5 75% of the penalties awarded under the terms of the Settlement Agreement
6 pursuant to the Labor Code Private Attorneys General Act of 2004,
7 California Labor Code section 2698, *et seq.*

8 (b) From the Settlement Amount, \$7,500.00 shall be paid to the named Plaintiff,
9 Kaneisha Kingsbury for her service as class representative and for her
10 agreement to release claims.

11 (c) From the Settlement Amount, \$14,500.00 shall be paid to the Settlement
12 Administrator, CPT Group, Inc.

13 17. The Court finds that Legal Aid at Work is approved as the designed *cy pres*
14 beneficiary and shall receive unpaid residue in accordance with the terms of the Settlement
15 Agreement.

16 18. The Court hereby confirms Justin F. Marquez, Benjamin H. Haber, and Arrash T.
17 Fattahi of Wilshire Law Firm, PLC as Class Counsel.

18 19. From the Settlement Amount, Class Counsel is awarded \$375,000.00 for their
19 reasonable attorneys' fees and \$17,165.76 for their reasonable costs incurred in the Action. The
20 fees and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court finds
21 that the fees are reasonable in light of the benefit provided to the Class.

22 20. Notice of entry of this Final Approval Order and Judgment shall be given to Class
23 Members by posting a copy of the Final Approval Order and Judgment on CPT Group, Inc.'s
24 website for a period of at least sixty (60) calendar days after the date of entry of this Final Approval
25 Order and Judgment.

26 21. Without affecting the finality of this Final Judgment in any way, this Court retains
27 continuing jurisdiction over the implementation, interpretation, and enforcement of the Settlement
28 with respect to all Parties to this action, and their counsel of record.


1 22. Plaintiff's Motion for Final Approval of Class Action Settlement is hereby granted
2 and the Court directs that judgment shall be entered in accordance with the terms of this Order.

3 23. The Court also sets a Compliance Hearing for September 12, 2023 at 3:00 p.m. in
4 Department 23 of the above-entitled Court. Plaintiff is to file a declaration from the Settlement
5 Administrator at least seven (7) calendar days before the Compliance Hearing and a proposed
6 amended judgment per CCP 384.

7 **IT IS SO ORDERED.**

8
9 DATE: _____

1/31/23



Hon. Brad Seligman
Judge of the Alameda County Superior Court