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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **FOR THE COUNTY OF LOS ANGELES**

18 JOSE MOLINA, as an individual and on behalf
of all others similarly situated,

20 Plaintiff,

21 vs.

22 MADER NEWS, INC., a California
corporation; and DOES 1 through 100,

24 Defendants.

Case No. BC685960

[Assigned for all purposes to the Hon. Yvette M. Palazuelos, Dept. SSC-9]

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, CLASS
REPRESENTATIVE'S ENHANCEMENT
PAYMENT, AND ATTORNEYS' FEES
AND COSTS AWARD**

Date: June 10, 2019
Time: 10:00 a.m.
Dept.: SSC-9

Complaint Filed: December 6, 2017
Trial Date: None Set

FILED
Superior Court of California
County of Los Angeles

JUN 10 2019

Sherri R. Carter, Executive Officer/Clerk
By Neli M. Rava Deputy

RECEIVED
LOS ANGELES SUPERIOR COURT

MAY 10 2019

S. DREW

1 This matter came on regularly for hearing before this Court on June 10, 2019, pursuant
2 to California Rule of Court 3.769 and this Court's January 30, 2019 Order Granting Preliminary
3 Approval of Class Action Settlement ("Preliminary Approval Order"). Having considered the
4 parties' Amended Joint Stipulation Re Class Settlement Agreement ("Settlement" or "Settlement
5 Agreement")¹ and the documents and evidence presented in support thereof, and recognizing the
6 sharply disputed factual and legal issues involved in this case, the risks of further prosecution
7 and the substantial benefits to be received by the Settlement Class pursuant to the Settlement, the
8 Court hereby makes a final ruling that the proposed Settlement is fair, reasonable, and adequate,
9 and is the product of good faith, arm's-length negotiations between the parties. Good cause
10 appearing therefor, the Court hereby GRANTS Plaintiff's Motion for Final Approval of Class
11 Action Settlement and ORDERS as follows:

12 1. The conditional class certification contained in the Preliminary Approval Order is
13 hereby made final, and the Court thus certifies, for purposes of the Settlement only, a Settlement
14 Class consisting of:

15 Any current and former non-exempt employee of Defendant Mader News,
16 Inc. who worked in California for Defendant Mader News, Inc. at any time
17 from December 6, 2013 through January 30, 2019, including without
18 limitation any non-exempt employee who was paid at least in part on a
19 piece-rate basis.

20 2. Plaintiff Jose Molina is hereby confirmed as Class Representative, and Scott M.
21 Lidman and Elizabeth Nguyen of Lidman Law, APC and Paul K. Haines and Tuvia Korobkin of
22 Haines Law Group, APC are hereby confirmed as Class Counsel.

23 3. Notice was provided to the Settlement Class as set forth in the Settlement, which
24 was approved by the Court on January 30, 2019, and the notice process has been completed in
25 conformity with the Court's Order. The Court finds that said notice was the best notice
26 practicable under the circumstances. The Class Notice provided due and adequate notice of the
27 proceedings and matters set forth therein, informed Settlement Class members of their rights, and

28 ¹ Unless otherwise indicated, all terms used in this Order shall have the same meaning as that assigned to them in the Settlement.

1 fully satisfied the requirements of California Code of Civil Procedure § 1781(e), California Rule
2 of Court 3.769, and due process.

3 4. The Court finds that no Settlement Class member objected to the Settlement, no
4 Settlement Class member opted out of the Settlement, and that the 100% participation rate in the
5 Settlement supports final approval.

6 5. The Court hereby approves the settlement as set forth in the Settlement Agreement
7 as fair, reasonable, and adequate, and directs the parties to effectuate the Settlement Agreement
8 according to its terms.

9 6. For purposes of settlement only, the Court finds that (a) the members of the
10 Settlement Class are ascertainable and so numerous that joinder of all members is impracticable;
11 (b) there are questions of law or fact common to the Settlement Class, and there is a well-defined
12 community of interest among members of the Settlement Class with respect to the subject matter
13 of the litigation; (c) the claims of the Class Representative are typical of the claims of the
14 members of the Settlement Class; (d) the Class Representative has fairly and adequately protected
15 the interests of the Settlement Class members; (e) a class action is superior to other available
16 methods for an efficient adjudication of this controversy; and (f) Class Counsel are qualified to
17 serve as counsel for the Class Representative and the Settlement Class.

18 7. The Court finds that given the absence of objections to the Settlement, and
19 objections being a prerequisite to appeal, that this Order shall be considered final as of the date
20 of notice of entry.

21 8. The Court orders that Mader News, Inc. deliver the Maximum Settlement Amount
22 of \$300,000.00 to CPT Group, Inc., the Settlement Administrator, as provided for in the
23 Settlement. Due to Defendant's financial condition, Defendant shall pay the MSA over three
24 years in twelve (12) quarterly and equal installments of Twenty-Five Thousand Dollars and Zero
25 **Cents (\$25,000.00). On February 27, 2019, Mader News, Inc. funded its first installment**
26 **payment of \$25,000.00. Mader News, Inc. shall make each of the subsequent eleven (11)**
27 **payments on or before the last calendar day of the given quarter.**

1 9. The Court finds that the settlement payments, as provided for in the Settlement,
2 are fair, reasonable, and adequate, and orders the Settlement Administrator to distribute the
3 individual payments in conformity with the terms of the Settlement.

4 10. The Court finds that an enhancement payment in the amount of \$5,000.00 for
5 Plaintiff Jose Molina is appropriate for his risks undertaken and service to the Settlement Class.
6 The Court finds that this award is fair, reasonable, and adequate, and orders that the Settlement
7 Administrator make this payment in conformity with the terms of the Settlement.

8 11. The Court finds that attorneys' fees in the amount of \$100,000.00, and actual
9 litigation costs of \$13,271.55 *in light of the benefits obtained for the class,* for Class Counsel, are fair, reasonable, and adequate, and orders
10 that the Settlement Administrator distribute these payments to Class Counsel in conformity with
11 the terms of the Settlement.

12 12. The Court orders that the Settlement Administrator shall be paid \$14,000.00 from
13 the Maximum Settlement Amount for all of its work done and to be done until the completion of
14 this matter, and finds that sum appropriate.

15 13. The Court finds that the payment to the California Labor & Workforce
16 Development Agency ("LWDA") in the amount of \$7,500.00 for its share of the settlement of
17 Plaintiff's representative action under the California Labor Code Private Attorneys General Act
18 ("PAGA") is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute
19 this payment to the LWDA in conformity with the terms of the Settlement.

20 14. Pursuant to the terms of the Settlement, the employer's share of payroll taxes for
21 the portion of the Distributable Amount allocated to wages shall be paid by Mader News, Inc.
22 separately from the Maximum Settlement Amount.

23 15. The Court finds and determines that upon satisfaction of all obligations under the
24 Settlement and this Order, all Settlement Class members will be bound by the Settlement, will
25 **have released the Released Claims as set forth in the Settlement, and will be permanently barred**
26 from prosecuting against Mader News, Inc. any of the Released Claims pursuant to the
27 Settlement.

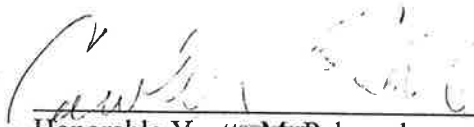
1 16. The Settlement is not an admission by Mader News, Inc. nor is this Order a finding
2 of the validity of any allegations or of any wrongdoing by Mader News, Inc. Neither this Order,
3 the Settlement, nor any document referred to herein, nor any action taken to carry out the
4 Settlement, shall be construed or deemed an admission of liability, culpability, or wrongdoing on
5 the part of Mader News, Inc.

6 18. The Court will retain jurisdiction to enforce the Settlement, this Final Approval
7 Order, and the Judgment entered in connection with the Settlement.

8 19. The Settlement Administrator shall file a declaration regarding the disbursement
9 of Settlement funds on or before Jan. 26, 2020. ~~2020~~

10 **IT IS SO ORDERED.**

11 Dated: Jan 15, 2019


HONORABLE YVETTE M. PALAZUELOS
Judge of the Superior Court
CAROLYN B. KUHL

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