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8 and on behalf of all other similarly situated employees

FILED
Superior Court of California
County of Los Angeles

OCT 18 2021 MF

Sherri R. Carter, Executive Officer/Clerk
By Marisela Fregoso Deputy

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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

11 RUBY SUA, CYNTHIA JIMENEZ, and on
12 behalf of all similarly aggrieved employees

13 Plaintiff,
14 vs.

15 OLD REPUBLIC GENERAL SERVICES,
16 INC., OLD REPUBLIC CONTRACTORS
17 INSURANCE GROUP, OLD REPUBLIC
18 CONTRACTORS INSURANCE AGENCY,
INC, OLD REPUBLIC INSURANCE
19 GROUP, OLD REPUBLIC CONSTRUCTION
AGENCY, INC. OLD REPUBLIC
20 CONTRACTORS INSURANCE GROUP,
21 INC., and DOES 1 through 30, inclusive
Defendants.

Case No. 19STCV45461

CLASS ACTION

[Assigned Hon. Elihu M. Berle, Dept. 6
312 N. Spring Street Courthouse]

~~PROPOSED~~ ORDER GRANTING
FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT, REPRESENTATIVES'
ENHANCEMENT AWARD, CLASS
COUNSEL'S FEES AND COSTS,
SETTLEMENT ADMINISTRATION
COSTS AND LWDA PAYMENT

Hearing Date: September 23, 2021
Time: 11:00 A.M.
Dept.: 6
Complaint Filed: December 19, 2019
Trial Date: None set

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23
24 **RECEIVED**

25 JUL 19 2021

26
27 **FILING WINDOW**

28 ~~PROPOSED~~ ORDER GRANTING FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT, REPRESENTATIVES'
ENHANCEMENT AWARD, CLASS COUNSEL'S FEES AND COSTS, SETTLEMENT
ADMINISTRATION COSTS AND LWDA PAYMENT

1 On September 23, 2021, the Court considered the Motion of Plaintiffs Ruby Sua and Cynthia
2 Jimenez for Final Approval of Class and Representative Action Settlement, Representatives'
3 Enhancement Award, Class Counsel's Fees and Costs, Settlement Administration Costs and LWDA
4 Payment. Having considered the Motion, and Memorandum of Points and Authorities and Declarations
5 and documents submitted in support thereto, including the Stipulation and Settlement of Class and
6 Representative Action and Amendment dated March 25, 2021 (collectively "Settlement Agreement"),
7 and good cause appearing,

8 IT HEREBY ORDERED, ADJUDGED AND DECREED:

- 9 1. The Motion is GRANTED.
- 10 2. This Court has jurisdiction over the subject matter of this Action and over all Parties to
11 this Action, including all Settlement Class Members.
- 12 3. The Settlement Class is defined as the following:
- 13 All persons who are employed or who have been employed as non-exempt, hourly paid
14 employees by Defendants Old Republic General Services, Inc. and Old Republic
15 Contractors Insurance Group, Inc., who worked at Defendants' place of business at 225 S.
16 Lake Avenue, Suite 900, Pasadena, California 91101 from December 19, 2015 through the
17 date of preliminary approval or October 30, 2020, whichever occurs first ("Class Period").
- 18 4. Pursuant to Code Civ. Proc. §382 and Cal. Rules of Court, rule 3.769, the Court grants
19 final approval of the Settlement as set forth in the Settlement Agreement. The Court confirms the
20 Settlement Class is ascertainable and numerous; there is a sufficiently well-defined community of interest
21 among Class Members in questions of law and fact which predominate over individual issues; and a
22 class-wide settlement is superior to other available methods for resolving the Action. The Court finds that
23 Plaintiffs Ruby Sua and Cynthia Jimenez are adequate representatives of the Settlement Class and
24 appoints them as such. The Court further finds that Neal J. Fialkow of the Law Office of Neal J. Fialkow
25 and Sahag Majarian II of the Law Offices of Sahag Majarian II have adequately represented the Class
26 and they are appointed Class Counsel. Accordingly, the Court finally certifies the Settlement Class for
27 settlement purposes only.

28 5. The Court finds that the Settlement, in all respects, is fair, adequate and reasonable. The
Court further finds that: the Settlement Agreement has been reached as a result of informed and non-

1 collusive arm's-length negotiations; the Parties conducted investigation and research, and their attorneys
2 were able to reasonably evaluate their respective positions; and, the Settlement will avoid additional and
3 potentially substantial litigation costs as well as delay and risks if the Parties were to continue to litigate
4 the Action. The Court has reviewed the monetary recovery being provided as part of the Settlement and
5 recognizes the significant value accorded to the Settlement Class.

6 6. The Court directs the Parties to effectuate the Settlement Agreement according to its
7 terms.

8 7. The Court determines that the Parties complied with the distribution of the Notice of Class
9 Action Settlement or Class in conformity with the April 19, 2021 Order Granting Plaintiffs' Motion for
10 Preliminary Approval of Class and Representative Action Settlement ("Preliminary Approval Order").
11 The Class Notice provided adequate notice about the Action and proceedings, including the proposed
12 terms of the Settlement Agreement. As a result, the Class Notice provided to the Settlement Class was the
13 best notice practicable under the circumstances and constituted due and sufficient notice to all persons
14 entitled to such notice. The notice plan required by the Preliminary Approval Order has been carried out
15 and fully satisfied due process requirements.

16 8. There were 0 objections and 0 Requests for Exclusion (or opt-outs) to the Settlement in
17 response to the Class Notice by Class Members. Class Members appeared at the Final Approval
18 Hearing.

19 9. The Court approves the Gross Settlement Amount, as set forth in the Settlement
20 Agreement of \$200,000.00 which is non-reversionary and which includes the enhancement award to
21 Plaintiffs, attorneys' fees and costs to Class Counsel, costs incurred in administering the Settlement, and
22 payment to the California Labor & Workforce Development Agency ("LWDA"). Defendants are
23 responsible for employer's share of payroll taxes required by law, separate and in addition to the Gross
24 Settlement Amount.

25 10. Defendants are to fund the Settlement in the Gross Settlement Amount of \$200,000.00
26 and pay Settlement Class Members pursuant to the procedures and formula described in the Settlement
27 Agreement.

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1 11. Plaintiffs Ruby Sua and Cynthia Jimenez are each awarded an enhancement fee of
2 \$5,000.00. The Court finds this amount is fair and reasonable in light of Plaintiffs' contributions to the
3 Action and the risks they undertook in being the named plaintiffs and class representatives as well as the
4 broader range of claims being released by the Plaintiffs.

5 12. Neal J. Fialkow of Neal J. Fialkow Law Office, Inc. Sahg Majarian II of Law Office of
6 Sahag Majarian, II are awarded Class Counsel fees of \$66,666.00 as a percentage of the common fund,
7 and \$8,933.83 litigation costs. The Court finds that the Class Counsel's fees constituting one-third of the
8 Gross Settlement Amount are fair and reasonable in light of the relevant factors under California law, in
9 particular the benefit of the common fund provided to the Settlement Class through Class Counsel's
10 efforts.

11 13. CPT Group, Inc. as the Claims Administrator is awarded \$^{5,000} for its settlement services
12 and costs.

13 14. The Court approves payment of \$7,500.00 to resolve the representative PAGA claim
14 alleged Action to be allocated 75% (or \$5,625.00) to the LWDA and 25% (or \$1,875.00) included in the
15 Net Settlement to Settlement Class Members. The Court finds this amount of civil penalties is a fair and
16 reasonable to those affected given the strengths and weaknesses advanced by the Parties.

17 15. CPT Group, Inc. is to prepare a final distribution report of settlement funds by 9/10 2022
18 which Class Counsel is to file with this Court. A non-appearance Case Review re Final Report on
19 Distribution of Settlement Funds is set for 6/22 2022 at 8:30 am p before this Court.

20 IT IS SO ORDERED.

21 Dated: 10/18/21



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23 Honorable Elihu M. Berle
24 Judge of the Superior Court