

06/20/23

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VENTURA SUPERIOR COURT

FILED

06/30/2023

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Executive Officer and Clerk

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11 *Attorneys for Plaintiffs Jordan Richard and*
 12 *Jim Oleson, individually and on behalf of all*
 13 *those similarly situated*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA

14 JORDAN RICHARD, individually and on
 15 behalf of all those similarly situated; JIM
 16 OLESON, individually and on behalf of all
 17 those similarly situated;

Plaintiffs,

v.

19 SYSTEMS APPLICATION &
 20 TECHNOLOGIES, INC.; CARDINAL
 21 POINT CAPTAINS, INC.; and DOES 1
 22 through 100, inclusive,

Defendants.

Case No.: 56-2015-00471720-CU-OE-VTA

Judge: The Honorable Ronda J. McKaig
Department: 41

**AMENDED ~~PROPOSED~~ FINAL
 ORDER AND JUDGMENT
 GRANTING PLAINTIFFS' MOTION
 FOR FINAL APPROVAL OF CLASS
 ACTION SETTLEMENT AND
 MOTION FOR ATTORNEYS' FEES
 AND COSTS, SETTLEMENT
 ADMINISTRATION COSTS, AND
 PLAINTIFFS' SERVICE AWARDS**

Ventura Superior Court Accepted through eDelivery submitted 06-20-2023 at 12:43:14 PM

1 Plaintiffs Jordan Richard and Jim Oleson (“*Plaintiffs*” or “*Representative Plaintiffs*”),
2 individually and on behalf of themselves and all other similarly situated non-exempt employees
3 who worked for defendants Systems Application & Technologies, Inc. (“*Sa-Tech*”) and Cardinal
4 Point Captains, Inc. (“*CPC*”) (collectively “*Defendants*”) (together with Plaintiffs, the “*Parties*”),
5 moved for an order requesting the Court grant final approval of their Stipulation of Class Action
6 Settlement and Release (the “*Original Settlement Agreement*”) and the Amendment to Stipulation
7 of Class Action Settlement and Release (the “*Amendment*”) (together with the Original Settlement
8 Agreement, the “*Settlement*”). Defendants do not oppose this request.

9 The Parties also requested that the Court award and approve the requested attorney fees
10 and costs, settlement administration costs, and plaintiffs’ service awards.

11 The Parties reached a settlement subject to Court approval as set forth in the Settlement,
12 which was previously filed with this Court.

13 On June 23, 2023, this Court conducted a Final Approval Hearing pursuant to Rule 3.769
14 of the California Rules of Court and this Court’s previous order granting Plaintiffs’ Motion for
15 Preliminary Approval of Class Action Settlement (the “*Preliminary Approval Order*”) entered on
16 July 8, 2022.

17 Due and adequate notice having been given to Class Members as set forth in the
18 Preliminary Approval Order, and the Court having considered all papers filed and proceedings
19 conducted in this case and otherwise being fully informed of the matter, and good cause appearing
20 therefor:

21 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

- 22 1. For the reasons set forth in the Preliminary Approval Order (which is adopted and
23 incorporated herein by reference), the Court finds that the applicable requirements of
24 California Code of Civil Procedure §382 and Rule 3.769 of the California Rules of Court
25 have been satisfied with respect to the Settlement Class and the proposed Settlement. The
26 Court hereby makes final its earlier provisional certification of the Settlement Class, as set
27 forth in the Preliminary Approval Order.

28 ///

- 1 2. This order and judgment hereby adopts and incorporates by reference the terms and
2 conditions of the Settlement, together with the definitions of the terms used and contained
3 therein, and all terms used herein shall have the same meaning as set forth in the
4 Settlement unless otherwise specifically stated.
- 5 3. The Court finds that it has jurisdiction over the subject matter of this class action and over
6 all parties to the action, including all members of the Settlement Class.
- 7 4. The Notice Packet provided to Settlement Class Members fully, adequately, and accurately
8 informed Settlement Class Members of all material elements of the proposed settlement
9 and of their opportunity to object, opt-out, or otherwise dispute matters in connection with
10 the Settlement. The Notice Packet was the best notice practicable under the circumstances;
11 it provided valid, due, and sufficient notice to all Settlement Class Members, and it
12 complied fully with the laws of the State of California, the United States Constitution, due
13 process, and other applicable law. The Notice Packet fairly and adequately described the
14 Settlement and provided Settlement Class Members adequate instructions and a variety of
15 means to obtain additional information. A full opportunity has been afforded to the
16 Settlement Class Members to participate in the Final Approval Hearing, and all Settlement
17 Class Members and other persons wishing to be heard have had such opportunity or been
18 heard to the extent necessary. Accordingly, the Court determines that all Settlement Class
19 Members who did not timely and properly execute a request for exclusion are bound by
20 this order and judgment.
- 21 5. The Court has considered all relevant factors for determining the fairness of the Settlement
22 and has concluded that all such factors weigh in favor of granting final approval. In
23 particular, the Court finds that the Settlement was reached following meaningful discovery
24 and investigation conducted by Class Counsel; that the Settlement is the result of serious,
25 informed, adversarial, and arm's-length negotiations between the parties; and that the
26 terms of the Settlement are in all respects fair, adequate, and reasonable.
- 27 6. The Court further finds that former putative class members' claims have been tolled since
28 the inception of this action and such claims remained tolled through the date of this order.

- 1 7. In so finding, the Court has considered all of the evidence presented, including evidence
2 regarding the strength of plaintiffs’ case; the risk, expense, and complexity of the claims
3 presented; the likely duration of further litigation; the amount offered in Settlement; the
4 extent of investigation and discovery completed; and the experience and views of Class
5 Counsel.
- 6 8. Accordingly, the Court hereby approves the Settlement in all respects as set forth in the
7 Settlement and expressly finds that said Settlement is, in all respects, fair, adequate, and
8 reasonable, and in the best interests of the entire Settlement Class, and hereby orders and
9 directs implementation of all remaining terms, conditions, and provisions of the
10 Settlement.
- 11 9. The Court hereby approves and awards the requested attorneys’ fees to Class Counsel in
12 the amount of \$1,813,444.50, as compensation for the attorney time spent on this matter
13 from inception through and including the Final Approval Hearing and for the other work
14 related to this case. The attorney fees request is fair and reasonable for the reasons set forth
15 in Class Counsel’s motion for fees, costs, and service awards.
- 16 10. The Court further approves: 1) Class Counsel’s requested costs in the amount of
17 \$24,294.53; and 2) the requested settlement administrator costs in the amount of \$9,000.
18 These requested costs have also been determined to be fair and reasonable based on the
19 filed motion for fees, costs, and service awards.
- 20 11. The Court hereby approves the requested service awards to the Representative Plaintiffs in
21 the amount of \$15,000 to representative plaintiff Oleson, and \$10,000 to representative
22 plaintiff Richard. The requested service awards are fair and reasonable for the reasons set
23 forth in the filed motion for fees, costs, and service awards, including the Representative
24 Plaintiffs’ contributions for the benefit of the Settlement Class as a whole, the time spent in
25 connection with the case and its duration, the risks incurred and the potential for adverse
26 consequences, the execution of a general release, and the overall outcome of the case for
27 the benefit of the Settlement Class.
- 28 12. Seventy-Five Thousand Dollars (\$75,000) from the Net Settlement Sum shall be allocated

- 1 to the resolution of the PAGA claim, of which 75% (\$56,250) will be paid directly to the
- 2 Labor & Workforce Development Agency (“LWDA”), and the remaining 25% (\$18,750)
- 3 will be distributed to the PAGA Aggrieved Employees.
- 4 13. Defendants shall submit additional settlement funds in the amount of \$313,848.06 to CPT
- 5 pursuant to the terms of the Amendment within fifteen (15) days of this Order.
- 6 14. This judgment, upon the effectiveness of the releases of claims provided for in the
- 7 Settlement, shall constitute a full and complete bar against the Settlement Class as to all of
- 8 the claims released by the Settlement and shall be res judicata and collateral estoppel with
- 9 respect to such prior, current, or future released claims.
- 10 15. One Class Member, Albert Anderson, has timely requested to opt-out of the class
- 11 settlement and shall not be bound by this Judgement, nor the Settlement Agreement and
- 12 associated release of claims.
- 13 16. By operation of this final order and judgment, as of the Effective Date, the parties and
- 14 Settlement Class Members are ordered to perform and abide by their respective duties and
- 15 obligations under the Settlement.
- 16 ~~17. The Court will hold a status conference on _____ (within sixty (60) days of this~~
- 17 ~~Order) to verify payment of all funds has been made by Defendants and that such funds~~
- 18 ~~have been distributed in accordance with the Settlement. The Settlement Administrator~~
- 19 ~~shall provide a declaration for submission to the Court no later than five (5) days prior to~~
- 20 ~~the status conference concerning the receipt and deposit of the required payments from~~
- 21 ~~Defendants and the distribution of such funds in accordance with the Settlement and any~~
- 22 ~~other duties it has performed in connection therewith as specified in the Settlement.~~
- 23 18. Based on the Settlement and final approval provided for herein, the pending preliminary
- 24 injunction proceedings against Defendant CPC are no longer necessary and the temporary
- 25 restraining order issued with respect to Defendant CPC (dated March 12, 2020) shall be
- 26 dissolved as of the Effective Date.
- 27 19. If the Settlement does not become final, effective, and completed in accordance with the
- 28 terms of the Settlement, then this final order and judgment shall be rendered null and void

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and shall be vacated and, in such event, all orders entered, including but not limited to all releases contemplated in connection herewith, shall be null and void.

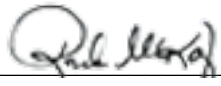
JUDGMENT

In accordance with, and for the reasons stated in the Final Approval Order, judgment is hereby rendered and entered under and in accordance with the Final Approval Order terms, whereby the Representative Plaintiffs and all Settlement Class Members shall take from Defendants that which is expressly set forth in the executed Settlement Agreement and amendment thereto, and provided for therein and in conformance with the Final Approval Order.

Pursuant to California Code of Civil Procedure §664.6 and Rule 3.769(h) of the California Rules of Court and in accordance with Section V.E of the Settlement Agreement, this Court reserves exclusive and continuing jurisdiction over this action, the Representative Plaintiffs, Settlement Class Members, and Defendants, for the purpose of supervising the implementation, enforcement, construction, and interpretation of the Settlement Agreement, the Preliminary Approval Order, and this Final Approval Order and Judgment, and to supervise the payment and distribution of the amounts to be paid under the Settlement.

IT IS SO ORDERED.

Dated: 06/23/2023



The Honorable Ronda J. McKaig
Judge of the Superior Court

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF LOS ANGELES)

4 I am employed in the County of Los Angeles, State of California. I am over the age of 18
5 and not a party to the within action. My business address is 29800 Agoura Road, Suite 210,
6 Agoura Hills, California 91301.

7 On June 20, 2023, I served the foregoing document described as **AMENDED**
8 **[PROPOSED] FINAL ORDER AND JUDGMENT GRANTING PLAINTIFFS' MOTION**
9 **FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION FOR**
10 **ATTORNEYS' FEES AND COSTS, SETTLEMENT ADMINISTRATION COSTS, AND**
11 **PLAINTIFFS' SERVICE AWARDS** on all interested parties in said action:

12 **SEE ATTACHED SERVICE LIST**

13 [] (VIA US MAIL) I caused such envelope(s) to be deposited in the mail at Agoura Hills,
14 California with postage thereon fully prepaid. I am "readily familiar" with the firm's
15 practice of collection and processing correspondence for mailing. It is deposited with the
16 U.S. Postal Service on that same day in the ordinary course of business. I am aware that
17 on motion of party served, service is presumed invalid if postal cancellation date or
18 postage meter date is more than one day after date of deposit for mailing in affidavit.

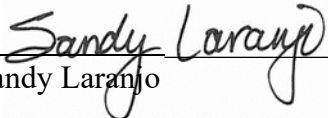
19 [] (VIA FEDERAL EXPRESS) I caused to have served such document(s) by depositing them
20 in the drop box at Agoura Hills, California, for priority overnight next day delivery.

21 [X] (VIA E-MAIL) I caused to have such documents sent by electronic service by
22 electronically mailing a true and correct copy through Marlin & Saltzman's electronic mail
23 system to the e-mail address(s) set forth below, or as stated on the attached service list -
24 **per agreement** in accordance with California Rules of Court, Rule 2.260.

25 [X] (STATE) I declare under penalty of perjury under the laws of the State of California that
26 the above is true and correct.

27 [] (FEDERAL) I declare that I am employed in the office of a member of the bar of this court
28 at whose direction the service was made.

Executed on June 20, 2023, at Agoura Hills, California.


Sandy Laranjo

Richard. v. Systems Application & Technologies, Inc.
Ventura Superior Court Case No. 56-2015-00471720-CU-OE-VTA

Service List

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