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LAW AND MOTION DEPT 53/54
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

ROBERT VERDINA, on behalf of
himself and all others similarly situated,
and on behalf of the general public,

Plaintiff,

v.

SLAKEY BROTHERS, INC.; and
DOES 1-100,

Defendants.

Case No. 34-2018-00239945

**REVISED [~~PROPOSED~~] ORDER
GRANTING PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES,
COSTS, CLASS REPRESENTATIVE
GENERAL RELEASE PAYMENT, AND
ENTERING OF FINAL JUDGMENT**

Date: November 23, 2020
Time: 1:30 p.m.
Dept.: 53
Judge: David I. Brown
Reservation No.: 2537210

Action Filed: August 31, 2018
Trial Date: None Set



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1 **TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:**

2 Plaintiff's Unopposed Motion for Final Approval of Class Action Settlement, Attorneys'
3 Fees, Costs, Class Representative General Release Payment, and Entering of Final Judgment
4 ("Motion for Final Approval") came before this Court, the Honorable David I. Brown, presiding,
5 on November 23, 2020. The Court having considered the papers submitted in support of the
6 Motion for Final Approval, **HEREBY ORDERS AND MAKES THE FOLLOWING**
7 **DETERMINATIONS:**

8 1. All terms used herein shall have the same meaning as defined in the Parties' Joint
9 Stipulation and Settlement Agreement ("Joint Stipulation") and the Order Granting Plaintiff's
10 Motion for Preliminary Approval of Class Action Settlement, Conditional Certification,
11 Approval of Class Notice, Setting of Final Approval Hearing Date ("Preliminary Approval
12 Order").

13 2. The Court finds that the applicable requirements of California Code of Civil
14 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with
15 respect to the Class and the settlement. The Court hereby makes final its earlier provisional
16 certification of the Class for settlement purposes, as set forth in the Preliminary Approval Order.
17 The Class is hereby defined to include all non-exempt hourly drivers, truck drivers, truck
18 workers, delivery truck drivers, trailer truck drivers, industrial truck drivers, warehouse workers,
19 inventory control clerks, or similar job designations who presently or formerly performed
20 services for Defendant Slakey Brothers, Inc. within the State of California at any time from
21 August 31, 2014 through April 26, 2020 ("Class" or "Class Members").

22 3. The Court has jurisdiction over the claims of the Class Members asserted in this
23 proceeding and over all parties to the proceeding.

24 4. The Notice of Class Action Settlement ("Class Notice") was mailed to Class
25 Members by first-class U.S. mail. The Class Notice informed the Class of the material terms of
26 the settlement, of their right to receive a *pro rata* portion of the Net Settlement Amount, of their
27 right to request exclusion from the settlement, of their right to comment upon or object to the
28 settlement and to appear in person or through counsel at the Final Approval Hearing and of the

1 date set for the Final Approval Hearing. Adequate periods of time were provided by each of
2 these procedures.

3 5. In response to the Class Notice, no member of the Class submitted written
4 objections to the settlement, or stated an intention to appear at the Final Approval Hearing. One
5 (1) member of the Class requested to be excluded from the settlement. This one (1) Class
6 Member represents 0.12% of the Class Members. No member of the Class submitted a dispute
7 regarding the number of workweeks credited to him/her.

8 6. The Court finds and determines that this notice procedure afforded adequate
9 protections to Class Members and provides the basis for the Court to make an informed decision
10 regarding approval of the settlement based on the Class Members' response. The Court finds and
11 determines that the Class Notice was the best notice practicable under the circumstances, and
12 satisfied the requirements of law and due process.

13 7. The Court further finds and determines that the terms of the settlement are fair,
14 reasonable and adequate to the Class and to each Class Member

15 8. Pursuant to California law, the Court hereby grants final approval of the
16 settlement. The Court finds that the settlement was reached as a result of informed and non-
17 collusive arm's-length negotiations facilitated by a neutral mediator. The Court further finds that
18 the Parties conducted extensive investigation, research, and discovery and that their attorneys
19 were able to reasonably evaluate their respective positions. The Court also finds that settlement
20 will enable the Parties to avoid additional and potentially substantial litigation costs, as well as
21 delay and risks if the Parties were to continue to litigate the case. The Court has considered the
22 absence of objections to and low number of requests for exclusion from the settlement, reviewed
23 the monetary recovery provided as part of the settlement, and recognizes the significant value
24 accorded to the Class. Accordingly, the Court hereby approves the terms set forth in the Joint
25 Stipulation and finds that the settlement is, in all respects, fair, adequate, and reasonable, and
26 directs the Parties to effectuate the settlement according to its terms.

27 9. A full opportunity has been afforded to the Class Members to participate in the
28 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been

1 heard. The Class Members also have had a full and fair opportunity to exclude themselves from
2 the settlement. Accordingly, the Court determines that all Class Members who did not submit a
3 valid request for exclusion from the settlement to the Settlement Administrator ("Participating
4 Class Members") are bound by this Order Granting Plaintiff's Motion for Final Approval of
5 Class Action Settlement, Attorneys' Fees, Costs, Class Representative General Release Payment,
6 and Entering of Final Judgment ("Final Approval Order and Judgment").

7 10. The Court hereby confirms David Mara and Jill Vecchi of Mara Law Firm, PC, as
8 Class Counsel in this action.

9 11. The Court hereby confirms Plaintiff Robert Verdina as the Class Representative
10 in this action.

11 12. The Court finds and determines that the Individual Settlement Shares provided for
12 by the terms of the settlement to be paid to the Participating Class Members are fair and
13 reasonable. The Court hereby gives final approval to and orders the payment of those amounts be
14 made to the Participating Class Members in accordance with the terms of the Settlement.

15 13. The Court finds and determines the Class Representative General Release
16 Payment in the sum of \$10,000 to Plaintiff Robert Verdina is fair and reasonable. The Court
17 hereby orders the Settlement Administrator to make the payment to the Plaintiff/Class
18 Representative Robert Verdina in the amount of \$10,000 for the Class Representative General
19 Release Payment in accordance with the terms of the Joint Stipulation.

20 14. The Court finds and determines that the payment to the Settlement Administrator,
21 CPT Group, Inc., in the sum of \$17,500 for its fee and expenses incurred and to be incurred for
22 the notice and settlement administration process is fair and reasonable. The Court hereby orders
23 the Settlement Administrator to make payment to itself in the amount of \$17,500 for
24 Administration Costs in accordance with the terms of the Joint Stipulation.

25 15. Pursuant to the terms of the settlement, and the authorities, evidence and
26 argument submitted by Class Counsel, the Court hereby approves of an Attorneys' Fee Award in
27 the sum of \$583,333 and a Cost Award of \$25,253.54 to Class Counsel. The Court finds such
28 amounts to be fair and reasonable. The Court hereby orders the Settlement Administrator to

1 make payment to Class Counsel in the amount of \$583,333 for attorneys' fees and \$25,253.54
2 for litigation expenses in accordance with the terms of the Joint Stipulation.

3 16. Neither Defendant nor any related persons or entities shall have any further
4 liability for costs, expenses, interest, attorneys' fees, or for any other charge, expense, or
5 liability, except as provided for by the Joint Stipulation.

6 17. The Court finds and determines that the release contained in the Joint Stipulation
7 is appropriate and shall bind all Participating Class Members.

8 18. Nothing in this Final Approval Order and Judgment shall preclude any action to
9 enforce the Parties' obligations pursuant to the Joint Stipulation or pursuant to this Final
10 Approval Order and Judgment, including the requirement that Defendant make payments to
11 Participating Class Members in accordance with the Joint Stipulation.

12 19. The Court finds and determines that nothing in the Joint Stipulation or this Final
13 Approval Order and Judgment (1) is intended or will be construed as an admission of liability or
14 wrongdoing by Defendant or (2) may be offered in evidence against Defendant (other than solely
15 in connection with this settlement).

16 20. The Court hereby enters final judgment in this action in accordance with the terms
17 of the Joint Stipulation, Preliminary Approval Order, and this Final Approval Order and
18 Judgment.

19 21. The Parties shall bear their own costs and attorneys' fees except as otherwise
20 provided for by the Joint Stipulation and this Final Approval Order and Judgment.

21 22. Without affecting the finality of this Final Approval Order and Judgment in any
22 way, the Court retains jurisdiction of all matters relating to the interpretation, administration,
23 implementation, effectuation and enforcement of this order and the Settlement.

24 **JUDGMENT**


25 23. This document shall constitute a judgment for purposes of California Rules of
26 Court, Rule 3.769(h). In accordance with, and for the reasons stated in this Final Approval Order
27 and Judgment, judgment shall be entered within the meaning and for purposes of Code of Civil
28 Procedure sections 577, 904.1(a), and Rules 3.769, and 8.104 of the California Rules of Court

1 whereby named Plaintiff/Class Representative and all Participating Class Members shall take
2 nothing from Defendant except as expressly set forth in the Joint Stipulation, in conjunction with
3 Plaintiff's Unopposed Motion for Preliminary Approval of the Class Action Settlement. The
4 Court, pursuant to California Rule of Court 3.769(h), shall retain jurisdiction over the parties to
5 enforce the terms of the judgment.

6 25. Notice of entry of this Final Approval Order and Judgment shall be given to the
7 Class Members by posting a copy of the Final Approval Order and Judgment on CPT Group,
8 Inc.'s website for a period of at least sixty (60) calendar days after the date of entry of this Final
9 Approval Order and Judgment. Individualized notice is not required.

10 **IT IS SO ORDERED.**

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12 Dated: NOV 23 2020



Honorable David I. Brown
Sacramento County Superior Court Judge

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