

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

ANTONIO MANUEL VASQUEZ, SERVANDO
VEGA GUERRERO, and JOSE OROZCO,
individually and on behalf of all others similarly
situated,

Plaintiffs,

vs.

DELTA FRAMING, INC., a California
Corporation,

Defendant.

CASE NO. 30-2016-00893517-CU-OE-CXC

*[Case assigned for all purposes to the Hon.
Peter Wilson, Dept. CX101]*

**JUDGMENT AND ORDER GRANTING
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF REVISED CLASS
ACTION SETTLEMENT, ATTORNEYS'
FEES AND COSTS, AND CLASS
REPRESENTATIVE ENHANCEMENT
PAYMENTS**

Action Filed: December 20, 2016
Trial Date: None Set

1 **JUDGMENT AND ORDER**

2 Plaintiffs Antonio Manuel Vasquez, Servando Vega Guerrero, and Jose Orozco
3 (collectively “Plaintiffs”) Motion for Final Approval of Revised Class Action Settlement,
4 Attorneys’ Fees and Costs, and Class Representative Enhancement Payments came on regularly
5 for hearing before this Court on April 6, 2023, at 2:00 p.m., pursuant to California Rule of Court
6 3.769 and this Court’s Order Granting Renewed Preliminary Approval of Class Action
7 Settlement, ROA #290 (“Preliminary Approval Order”). Having considered the Parties
8 memorialized Memorandum of Understanding (“MOU”) and the Revised Stipulation of Class
9 Action Settlement and Release (“Settlement Agreement” or “Settlement”), attached as Exhibits
10 A and B respectively to the Court’s Preliminary Approval Order, and all other documents and
11 evidence presented in support thereof, and recognizing the sharply disputed factual and legal
12 issues involved in this case, the risks of further prosecution, and the benefits to be received by
13 the Class Members pursuant to the Settlement, the Court hereby makes a final ruling that the
14 proposed Settlement is fair, reasonable, and adequate, and is the product of good faith, arms’-
15 length negotiations between the parties. Good cause appearing therefor, the Court hereby
16 GRANTS Plaintiffs’ Motion for Final Approval of Revised Class Action Settlement and
17 HEREBY ORDERS THE FOLLOWING:

18 1. Final judgment is hereby entered in conformity with the Settlement and this
19 Court’s Preliminary Approval Order.

20 2. The conditional class certification contained in the Preliminary Approval Order
21 is hereby made final, and the Court thus certifies, for purposes of the Settlement, a Settlement
22 Class consisting of:

23 All current and former non-exempt employees of Delta Framing, Inc.
24 (“Delta Framing” or “Defendant”) employed in California from December
25 20, 2012 to September 28, 2019 (the “Class Period”).

26 3. Plaintiffs Antonio Manuel Vasquez, Servando Vega Guerrero, and Jose Orozco
27 are hereby confirmed as the Class Representatives and Fletcher W. Schmidt, Paul K. Haines,
28

1 and Andrew Rowbotham of Haines Law Group, APC and James R. Hawkins and Gregory E.
2 Mauro of James Hawkins APLC are hereby confirmed as Class Counsel.

3 4. Notice was provided to the Settlement Class Members as set forth in the
4 Settlement Agreement, which was approved by the Court on November 22, 2022, and the notice
5 process has been completed in conformity with the Court's Preliminary Approval Order. The
6 Court finds that said notice constituted reasonable notice under the circumstances, and
7 constituted valid, due, and sufficient notice to all Settlement Class Members. The Notice of
8 Class Action Settlement provided due and adequate notice of the proceedings and matters set
9 forth therein, informed Class Members of their rights, and fully satisfied the requirements of
10 California Code of Civil Procedure § 382, California Rules of Court 3.766 and 3.769, the
11 California and United States Constitutions, and other applicable law.

12 5. The Court finds that no Settlement Class Members objected to the Settlement,
13 and twenty (20) individuals submitted Request for Exclusion forms in order to opt-out of the
14 Settlement. The individuals who submitted valid Request for Exclusion forms, named
15 Humberto Rodriguez Rojas, Richard Schoonderwoerd, Armando Arroyo, Juan Perez Ortiz,
16 Sergio Rodriguez Arroyo, Jose Luis Hernandez-Arellanez, Jose Felix Ballejo Napoles, Gregorio
17 Orellana, Ivan Gerardo Polanco, Jesus Medina, Edwin D Polanco Mendez, Hector Mejia, Sixto
18 Aguirre, Isidro Chavez, Ivan Ortega Figueroa, Luis Garcia, Carlos Patricio, Isain Perez
19 Hernandez, Leobardo Chavez, and Fransico Ceja Meza are excluded from the Settlement and
20 the Settlement Class.

21 6. The Court finds that the 98.77% participation rate supports final approval.

22 7. The Court hereby approves the Settlement as set forth in the MOU and
23 Settlement Agreement as fair, reasonable, and adequate, and directs the parties to effectuate the
24 MOU and Settlement Agreement according to its terms.

25 8. For purposes of settlement only, the Court finds that: (a) the Settlement Class
26 Members are ascertainable and so numerous that joinder of all members is impracticable; (b)
27 there are questions of law or fact common to the Settlement Class Members, and there is a well-
28 defined community of interest among Settlement Class Members with respect to the subject

1 matter of the litigation; (c) the claims of the Class Representatives are typical of the claims of
2 the Settlement Class Members; (d) the Class Representatives have fairly and adequately
3 protected the interests of the Settlement Class Members; (e) a class action is superior to other
4 available methods for an efficient adjudication of this controversy; and (f) Class Counsel is
5 qualified to serve as counsel for the Class Representatives and the Settlement Class Members.

6 9. All Settlement Class Members (except those individuals identified in Paragraph
7 5 of this Order who excluded themselves from the Settlement), on behalf of themselves, their
8 respective spouses, heirs, executors, representatives, assigns, estates, and attorneys will, by
9 virtue of this Judgment, fully release and discharge Defendant, its respective subsidiaries,
10 predecessors and successors, and each of their respective officers, directors, partners,
11 shareholders, members, employees and agents, and any other successors, assigns, or legal
12 representatives, and any other individual or entity which could be jointly liable with any of the
13 forgoing and attorneys (“Released Parties”), will release all claims that were pled in the
14 operative Complaint in the lawsuit titled *Antonio Manuel Vasquez, et al. v. Delta Framing, Inc.*,
15 Orange County Superior Court Case No. 30-2016-00893517-CU-OE-CXC, or which could have
16 been pled in the operative Complaint, based on the factual allegations therein, that arose during
17 the Class Period (the “Released Claims”). This release shall apply to claims arising during the
18 Class Period and become effective upon remittance of the Maximum Settlement Amount by
19 Defendant to the Settlement Administrator.

20 10. The Court finds that given the absence of objections, and objections being a
21 prerequisite to appeal, this Order shall be considered final as of Effective Date (which is defined
22 in the Settlement Agreement as the date which the Court grants final approval of the Settlement
23 if no Settlement Class Members file objections to the Settlement).

24 11. The Court orders Delta Framing to fund the Maximum Settlement Amount of
25 \$641,250.00 pursuant to the MOU within three business days of this Order. All payments will
26 be delivered to CPT Group, Inc. (the “Settlement Administrator”) as provided for in the
27 Settlement.

1 12. The Court finds that the Individual Settlement Payments, as provided for in the
2 Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to
3 distribute these payments along with a copy of this Judgment to the Class Members in
4 conformity with the terms of the Settlement.

5 13. The Court finds that the payment to the State of California Labor and Workforce
6 Development Agency in the amount of \$18,750.00 for its 75% share of the civil penalties
7 allocated under the Private Attorneys General Act, Labor Code § 2698 *et seq.*, is fair,
8 reasonable, and adequate, and orders the Settlement Administrator to distribute this payment in
9 conformity with the terms of the Settlement.

10 14. The Court finds that the Class Representative Enhancement Payments in the
11 following amounts: Servando Vega Guerrero: \$5,000.00, Jose Orozco: \$2,500.00, and Antonio
12 Manuel Vasquez: \$5,000.00, are appropriate in recognition of the risks Plaintiffs undertook; for
13 the amount of time and effort spent by Plaintiffs as the Class Representatives; for the general
14 release provided by Plaintiffs as part of the Settlement Agreement; and the service Plaintiffs
15 provided to the Class Members. The Court finds that this amount is fair, reasonable, and
16 adequate, and orders that the Settlement Administrator make this payment in conformity with
17 the terms of the Settlement.

18 15. The Court finds that attorneys' fees in the total amount of \$213,750.00 and
19 litigation costs of \$27,901.92 for Class Counsel are fair, reasonable, and adequate. The Court
20 orders the Settlement Administrator to distribute these payments to Class Counsel as follows:
21 \$80,156.25 in attorneys' fees and \$20,491.29 in litigation costs to Haines Law Group, APC and
22 \$133,593.75 in attorneys' fees and \$7,410.63 in litigation costs to James Hawkins APLC.

23 16. The Court orders that the Settlement Administrator shall be paid \$22,000.00
24 from the Maximum Settlement Amount for all of its work done and to be done until the
25 completion of this matter, and finds that sum appropriate.

26 17. Pursuant to CCP § 384(b), Plaintiffs will submit to the Court a final report on or
27 before November 20, 2023, setting forth the actual amounts paid to Settlement Class Members
28

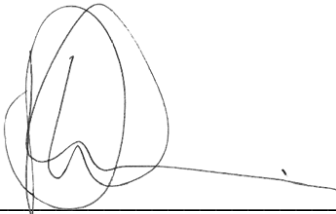
1 and other amounts disbursed pursuant to the Settlement. The Court sets a final accounting
2 hearing for December 15, 2023, at 9:00 a.m.

3 18. The Court orders the Settlement Administrator to maintain a public website and
4 upload a copy of this Judgment and Order on that website for at least 180 days from the mailing
5 of the Individual Settlement Payments. The Settlement Administrator is ordered to provide the
6 URL address for this website on Individual Settlement Payments so that Settlement Class
7 Members are given notice and can access the website.

8 19. This document shall constitute a final judgment pursuant to California Rule of
9 Court 3.769(h) which provides, "If the court approves the settlement agreement after the final
10 approval hearing, the court must make and enter judgment. The judgment must include a
11 provision for the retention of the court's jurisdiction over the parties to enforce the terms of the
12 judgment. The court may not enter an order dismissing the action at the same time as, or after,
13 entry of judgment." The Court will retain jurisdiction to enforce the Settlement, the Final
14 Approval Order, and this Judgment, pursuant to California Rule of Court 3.769(h) and
15 California Code of Civil Procedure § 664.6.

16 **IT IS SO ORDERED.**

17
18 Dated: April 6, 2023



A handwritten signature in black ink, appearing to read 'Peter Wilson', is written over a horizontal line. The signature is stylized and somewhat cursive.

Honorable Peter Wilson
Judge of the Superior Court