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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

MARLEN CRUZ, individually and on behalf  
of all others similarly situated,

Plaintiff,  
vs.

ZION MARKET INC., *et al.*

Defendants.

ANGEL HERNANDEZ, on behalf of  
himself and all others similarly situated,

Plaintiff,

vs.

ZION MARKET IRVINE, INC., *et al.*

Defendants.

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

MAR 28 2018

Sherri R. Carter, Executive Officer/Clerk  
By: Jan Josef Manrique, Deputy

RECEIVED  
Clerk of Court  
MAR 07 2018

By: M. Aguirre

BY FAX

CASE NO. BC588962

Related to Case No. BC546093

**CLASS ACTION**

[Assigned for all purposes to the Hon.  
Carolyn B. Kuhl, Dept. 309]

**FINAL ORDER AND  
JUDGMENT**

Action Filed: May 20, 2014  
Trial Date: None Set

**PROPOSED ORDER**

Plaintiffs Angel Hernandez and Marlen Cruz's ("Plaintiffs") Motion for Final Approval of Class Action Settlement came on regularly for hearing on March 28, 2018, the Honorable Carolyn B. Kuhl presiding. Having reviewed Plaintiffs' motion, the Declarations of Matthew J. Matern, Michael Nourmand, Angel Hernandez, Marlen Cruz and Melina Yang and all exhibits thereto, including the Stipulation of Class Action Settlement ("Stipulation") and Amendment to Stipulation of Class Action Settlement ("Amendment"), and good cause appearing therefore, the Court now enters a joint Judgment against defendants Zion Market, Zion City, Inc., Zion Market Irvine, Inc., Zion Market Cerritos, Inc., Zion Market Torrance, Inc., Zion Market La Habra, Inc., Zion Market San Diego, Inc., 7655 Claremont Mesa, Inc., and Kyu M. Hwang ("Defendants") as follows:

1. The Court, for purposes of this Final Order and Judgment, adopts all defined terms as set forth in the Stipulation filed in the Actions.

2. The Court has jurisdiction over all claims asserted in the Actions, Plaintiffs, the Class Members, and Defendants.

3. The Court finds that the Stipulation and Amendment were made and entered into in good faith and hereby approves the Settlement as fair, adequate, and reasonable to all Class Members.

4. Solely for purposes of effectuating the Settlement, this Court certifies a class defined as follows:

All persons employed by Defendants as non-exempt, hourly employees at Defendants' Zion Market locations in the State of California at any time from May 20, 2010 through March 9, 2017.

5. The notice provided to the Class Members conforms with the requirements of California Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other applicable law, and constitutes the best notice practicable under the circumstances, by providing individual notice to all Class Members who could be identified through reasonable effort, and by

1 providing due and adequate notice of the proceedings and of the matters set forth therein. The  
2 notice fully satisfies the requirements of due process.

3 6. The Court finds that no Class Members have requested for exclusion from the  
4 Settlement.

5 7. The Court finds that no Class Members have objected to the Settlement.

6 8. Plaintiffs and all Class Members shall, by operation of this Judgment, shall be  
7 deemed to have released their respective Released Claims against the Released Parties.  
8 "Released Claims" with respect to the Participating Class Members (other than Plaintiffs) means  
9 any and all claims, demands, rights, liabilities, and/or causes of action that were pleaded or could  
10 have been pleaded based upon the factual allegations set forth in the complaints filed in the  
11 Actions and arising at any time prior to March 9, 2017, including claims for (1) failure to provide  
12 required meal periods; (2) failure to provide required rest periods; (3) failure to pay overtime  
13 wages; (4) failure to pay minimum wage; (5) failure to pay all wages due to discharged and  
14 quitting employees; (6) failure to maintain required records (7) failure to furnish accurate  
15 itemized wage statements; (8) failure to indemnify employees for necessary expenditures incurred  
16 in discharge of duties; (9) unfair and unlawful business practices; and (10) penalties pursuant to  
17 PAGA.

18 9. The Court finds the Maximum Settlement Amount, the Net Settlement Amount,  
19 and the methodology used to calculate and pay each Participating Class Member's Individual  
20 Settlement Award are fair and reasonable, and authorizes the Settlement Administrator to pay the  
21 Individual Settlement Awards to Participating Class Members in accordance with the terms of the  
22 Stipulation.

23 10. The Court finds that Class Counsel's request for attorneys' fees in the amount of  
24 \$533,333.37, which is one-third of the Maximum Settlement Amount, is reasonable under the  
25 common fund method. *(based on benefit to the class. Although the)*  
26 *lodestar calculation is a lesser amount, efficient litigation*  
27 *this action is reasonable and Class Counsel's hourly rates are reasonable and in line with rates*  
28 *practise should be encouraged.*  
~~prevailing in the community. The Court awards Class Counsel \$533,333.37 in attorneys' fees to~~



1 be paid from the Maximum Settlement Amount. The attorneys' fees shall be allocated as follows:  
2 55% to Hernandez's counsel and 45% to Cruz's counsel.

3 11. The Court finds that Class Counsel has incurred \$31,579.01 in costs and expenses.  
4 Such costs and expenses were reasonably incurred in prosecuting the Actions on behalf of the  
5 Class. The Court awards Class Counsel \$31,579.01 in costs and expenses to be paid from the  
6 Maximum Settlement Amount. Costs and expenses shall be allocated among Class Counsel  
7 based upon Class Counsel's actual costs and expenses, as submitted to the Court.

8 12. The Court hereby approves Class Representative Awards in the amount of  
9 \$5,000.00 to each Plaintiff for their service as class representatives, to be paid from the Maximum  
10 Settlement Amount.

11 *The Court hereby approves the fee of \$24,000.00 for the Administrator CPD and finds that amount fair and reasonable.*  
12 13. This Judgment is intended to be a final disposition of the Action in its entirety and  
13 is intended to be immediately appealable.

14 14. This Court shall retain jurisdiction with respect to all matters related to the  
15 administration and consummation of the settlement, and any and all claims, asserted in, arising  
16 out of, or related to the subject matter of the lawsuit, including but not limited to all matters  
17 related to the settlement and the determination of all controversies relating thereto.

18 15. The Court directs that a judgment shall be entered in accordance with the terms of  
19 this Order.

20 IT IS SO ORDERED.

21 DATED: March 28, 2018

22 *Carolyn B. Kuhl*  
23 HON. CAROLYN B. KUHL  
24 JUDGE OF THE SUPERIOR COURT  
25  
26  
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28

*15, 2019.*