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17 individuals similarly situated

14 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
15 **COUNTY OF ORANGE**

17 MERCEDES DE LA CRUZ, on behalf of
18 herself and all others similarly situated,

19 Plaintiff,

20 v.

21 HIGHTOWER METAL PRODUCTS, a
22 California corporation; ANILLO
23 INDUSTRIES, INC., a California
24 corporation;

25 Defendants.

CASE NO. 30-2020-01150713-CU-OE-CXC
Assigned to Hon. Peter Wilson, Dept. CX102

**ORDER OF FINAL APPROVAL AND
JUDGMENT**

Date: April 7, 2022
Time: 2:00 p.m.
Department: CX102

1 **RECITALS**

2 Before the Court is the Motion for Final Approval of Class Action Settlement (the
3 “Motion”) filed by Plaintiff Mercedes De La Cruz in the above-captioned case seeking final
4 Court approval of the parties’ settlement of this action (the “Settlement”) on the terms set forth
5 in the Class Action Settlement Agreement (the “Settlement Agreement”). The Court has
6 considered the Motion, including the declarations filed in support thereof, the relevant legal
7 authority, and the record in this case. Having jurisdiction and venue to consider the Motion and
8 the relief requested therein, with due and proper notice of the Motion having been provided to
9 the Settlement Class, the Court after due deliberation now makes the following FINDINGS
10 AND ORDERS:

11 **FINDINGS AND ORDERS**

12 1. Capitalized terms used in this Order that are not otherwise identified herein have
13 the meaning assigned to them in the Settlement Agreement.

14 **Final Certification of Settlement Class**

15 2. The Court finds, for the purpose of settlement, that the proposed Settlement
16 Class meets the criteria for certification under California Code of Civil Procedure section 382.
17 The Court hereby orders confirmed class certification pursuant to California Code of Civil
18 Procedure section 382 of the following class and subclasses:

19 **Class Member**

20 All current and former hourly-paid, non-exempt employees who worked for
21 Defendants in California from July 23, 2016 through May 10, 2021.

22 **Former Employee Sub-Class**

23 All Former Employees of Defendants whose employment terminated at any time
24 during the period of July 23, 2017 through May 10, 2021.

25 3. Additionally, the Court approves the settlement of the Private Attorney General
26 Act (“PAGA”) claim on behalf of the PAGA Settlement Class which means:

27 All current or former employees of Defendants who were employed between
28 July 23, 2019 through May 10, 2021.

1
2 4. For purposes of the Settlement, the Court orders confirmed the appointment of
3 Bradley Grombacher LLP and Law Offices of Sahag Majarian II, as Class Counsel and further
4 orders confirmed the appointment of the Named Plaintiff as Class Representative.

5 **Final Approval of Class Action Settlement**

6 5. The Court grants and orders final approval of the terms set forth in the
7 Settlement. The Court finds that the terms of the Settlement are fair, adequate, and reasonable,
8 and to have been the product of serious, informed, and extensive arm's-length negotiations
9 among the Parties. In making this finding, the Court considers the nature of the claims, the
10 relative strength of Plaintiff's claims, the amounts and kinds of benefits paid in settlement, the
11 allocation of settlement proceeds, and the fact that a settlement represents a compromise of the
12 Parties' respective positions rather than the result of a finding of liability at trial.

13 6. Specifically, the Court orders approved in full the Settlement Agreement. The
14 Parties are ordered to comply with and implement the Settlement Agreement according to its
15 terms, including those provisions not expressly stated in this Order.

16 7. By this final approval order and judgment, the Class Representative shall release,
17 relinquish and discharge, and each of the Settlement Class Members shall be deemed to have,
18 and by operation of the judgment shall have, fully, finally, and forever released, relinquished
19 and discharged all Released Claims.

20 8. By this final approval order and judgment, each PAGA Settlement Class
21 Member will release Released Parties of all claims under the California Private Attorneys
22 General Act of 2004 ("PAGA").

23 9. By this final approval order and judgment, the Labor Workforce and
24 Development Agency ("LWDA") shall release, relinquish and discharge, and each of the
25 Aggrieved Employees shall be deemed to have, and by operation of the judgment shall have,
26 fully, finally, and forever released, relinquished and discharged all PAGA Released Claims.

27 10. The Court also finds that the requested attorneys' fees in the amount of
28 \$211,666.67 are reasonable and hereby are approved. The fees awarded are allocated as follows:

1 \$127,000 to Bradley/Grombacher LLP and \$84,666.67 to the Law Offices of Sahag Majarian II.

2 11. The Court also finds that the requested attorneys' costs in the amount of
3 \$24,514.72 are reasonable and hereby are approved. The costs of \$24,514.72 are awarded to
4 Bradley/Grombacher LLP.

5 12. The Court approves the service award to the Named Plaintiff as well. The Court
6 finds that service awards of \$7,500.00 to Plaintiff De La Cruz is reasonable and hereby is
7 approved.

8 13. The Court approves payment to the Settlement Administrator, CPT Group, Inc.,
9 in an amount not to exceed \$11,000.00 out of the Gross Settlement Amount, based on the
10 declaration of Chriss Lawless verifying the administrator's reasonable costs in fulfilling the
11 settlement administration in this case.

12 14. The Court also approves of the PAGA settlement in the amount of Thirty
13 Thousand Dollars (\$30,000.00) of the Gross Settlement Fund. Pursuant to the PAGA, 75%, or
14 Twenty-Two Thousand Five Hundred Dollars (\$22,500.00), of the PAGA Settlement Fund shall
15 be paid to the California Labor and Workforce Development Agency ("LWDA"), and 25%, or
16 Seven Thousand Five Hundred Dollars (\$7,500.00), of the PAGA Settlement Amount shall be
17 part of the Net Settlement Amount to be distributed to the PAGA Settlement Class.

18 **Class Notice**

19 15. The Court finds that the Class Notice was given to the Settlement Class as
20 required by the Preliminary Approval Order, and that the Notice fairly and adequately described
21 the litigation, the Settlement, how they could object or exclude themselves from the Settlement,
22 and how they could dispute information on which individual settlement payments were
23 calculated. The Court further finds that the Class Notice was the best notice practicable under
24 the circumstances, and complied with due process, the California Rules of Court, and all other
25 applicable laws. The Court also finds and concludes that the Settlement Class was given a full
26 and fair opportunity to participate in the Final Approval Hearing.

27 16. The Court finds that no class member has objected to the settlement. One request
28 for exclusion has been received by the settlement administrator from Owen Monroe Thurman.

1 Given his valid and timely exclusion, Mr. Thurman is not bound by the terms of the settlement
2 including the release of claims.

3 **COMPLIANCE HEARING**

4 17. The Parties are ordered to appear at 9:00 a.m. on February 3, 2023 for a
5 compliance hearing to report to the Court on the distributions to Class Members, the LWDA,
6 Class Counsel, the Named Plaintiff, and performance by the Settlement Administrator of other
7 duties incumbent on it under the Settlement Agreement and Order of this Court. No less than ten
8 (10) days before the date scheduled for the compliance hearing, Counsel shall submit a final
9 report regarding the status of the settlement administration. The final report must include all
10 information necessary for the Court to determine the amount actually paid to class members and
11 any amounts tendered to the cy pres recipient, Bet Tzetek.

12 **JUDGMENT**

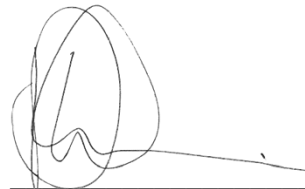
13 18. Judgment is hereby entered pursuant to the Final Approval Order of Class Action
14 Settlement, entered April 7, 2022.

15 19. CPT Group will provide notice of the judgment to the class by posting a copy of
16 the judgment to its website, www.cptgroupcaseinfo.com/hmpsettlelnet.

17 20. The Court retains continuing jurisdiction to enforce this Settlement pursuant to
18 California Rule of Court 3.769(h), even after the entry of judgment based thereon. Without
19 affecting the finality of the Settlement or Judgment entered, this Court shall retain exclusive and
20 continuing jurisdiction over the action and the Parties, including all Settlement Class Members,
21 for purposes of enforcing and interpreting this Order and the Settlement.

22
23 **IT IS SO ORDERED, ADJUDGED AND DECREED.**

24
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26 Dated: April 7, 2022 _____



27 PETER J. WILSON
28 JUDGE OF THE SUPERIOR COURT