

**ENDORSED
FILED
ALAMEDA COUNTY**

JUN 22 2021

CLERK OF THE SUPERIOR COURT
By JHALISA CASTANEDA
Deputy

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA

MARIA CARMEN GOMEZ, an individual, on behalf of the State of California and all aggrieved employees as a Private Attorney General,

Plaintiff,

vs.

INDUSPAC CALIFORNIA, INC, a corporation, and DOES 1-50, inclusive,

Defendants.

Case No.: RG19032331

CLASS ACTION

**AMENDED [~~PROPOSED~~] ORDER
GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

1 This matter came for hearing before this Court, the Honorable Brad Seligman, on
2 June 22, 2021, upon Plaintiff's unopposed motion for final approval of the settlement set
3 forth in the Joint Stipulation of Settlement and Release to Settle Class Action (the
4 "Stipulation" or "Settlement Agreement") ^{and Amendment No. 1 thereto}. The Court having granted final approval to the
5 Stipulation, hereby finds and orders as follows:

- 6 1. The Settlement Agreement shall be enforced according to its terms.
- 7 2. The Court certifies the class for purposes of settlement.
- 8 3. This Court finds that the applicable requirements of the California
9 Code of Civil Procedure § 382 have been satisfied with respect to the Settlement Class
10 and the proposed settlement. The Court hereby makes final its earlier provisional
11 certification of the plaintiff class, as set forth in the Preliminary Approval Order. The
12 Court finds that the settlement is fair, adequate, and reasonable, and falls within the range
13 of reasonableness.
- 14 4. The notice given to the Class Members fully and accurately informed
15 the Class Members of all material elements of the proposed Settlement and of their
16 opportunity to object or comment thereon; was the best notice practicable under the
17 circumstances; was valid, due and sufficient notice to all Class Members; and complied
18 fully with the laws of the State of California, Federal Rules of Civil Procedure, the United
19 States Constitution, due process and other applicable law. The summary notices fairly
20 and adequately described the Settlement and provided Class Members adequate
21 instructions and a variety of means to obtain additional information. A full opportunity
22 has been afforded to the Class Members to participate in this hearing, and all Class
23 Members and other persons wishing to be heard have been heard. Accordingly, the Court
24 determines that all Settlement Class Members (as defined in the Settlement Agreement)
25 who did not timely and properly execute a Request for Exclusion are bound by this order
26 and resulting Judgment.

27 5. The Court finds that zero (0) of the 112 Class Members have objected to the
28 Settlement and zero (0) Class Members have requested exclusion from the Settlement.

1 The 122 Participating Class Members will be paid from a net settlement amount of
2 \$460,416.67.

3 6. The Court finds that the Stipulation was the product of arm's length
4 negotiations between experienced counsel. After considering Defendant's potential
5 exposure, the likelihood of success on the class claims, the risk, expense, complexity and
6 delay associated with further litigation, the risk of maintaining class certification through
7 trial, the experience and views of Plaintiff's Counsel, and the reaction of the Class to the
8 Settlement, as well as other relevant factors, the Court finds that the settlement is fair,
9 reasonable, and adequate, and in the best interests of the Settlement Class as a whole.
10 Accordingly, the Court hereby grants final approval to the Settlement and hereby directs
11 that the Settlement be effected in accordance with the Settlement Agreement and the
12 following terms and conditions.

13 7. Class Counsel is awarded \$258,333.33 in attorney fees and \$10,417.43 in
14 costs.

15 8. Plaintiff MARIA CARMEN GOMEZ is awarded an enhancement payment
16 of \$7,500.00.

17 9. The claims administrator, CPT Group, Inc., is awarded \$10,000.00 in costs.
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19 10. Payment of \$18,750.00 (75% of \$25,000 PAGA penalty) to the LWDA is
20 approved;

21 11. Class counsel, via CPT Group, Inc., is to provide notice to the class
22 members pursuant to California Rules of Court, rule 3.771(b) and section 3.06(j) of the
23 Settlement Agreement.

24 12. Pursuant to Code Civ. Proc. §384, no later than November 17, 2021, the
25 parties shall submit a report to the court specifying the total amount paid to class
26 members, and the residual of unclaimed funds that will be paid to the entity(ies) identified
27 as recipients of such funds in the proposed settlement, along with a proposed amended
28 judgment. No later than 5 days after receipt of notice of the entry of the amended

1 judgment, the parties shall submit the amended judgment to the Judicial Council, pursuant
2 to Code Civ. Proc. § 384.5, and shall file a proof of service with this court confirming this.
3 Ten percent (10%) of the attorneys' fees awarded to Class Counsel shall be held back
4 pending submission of the final compliance report.

5 As a condition of final approval, the claims administrator should not make reports
6 to the IRS about settlement payments of class members who did not cash checks.

7 The Court reserves exclusive and continuing jurisdiction over the Litigation, the
8 Class Representative MARIA CARMEN GOMEZ, the Settlement Class and Defendant
9 INDUSPAC CALIFORNIA, INC, for the purposes of supervising the implementation,
10 enforcement, construction, administration and interpretation of the Stipulation and this
11 Order and the Final Judgment.

12 The Court sets a compliance hearing date of 11/19, 2021 at 9:15
13 a.m.

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15 IT IS SO ORDERED.

16 Dated: 6/22/21

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19 JUDGE OF THE SUPERIOR COURT
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