



JUL 26 2023

CLERK OF THE COURT
BY: [Signature]
Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO**

FERNANDO GUTIERREZ; DAVID
CASTILLO; MARCO GONZALEZ,
individually and on behalf of others similarly
situated,

Plaintiffs,

vs.

SAARMAN CONSTRUCTION, LTD.;
SAARMAN, LLC; and DOES 1 through
100, inclusive.

Defendants.

Case No. CGC-18-568258

**ORDER GRANTING FINAL APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: July 24, 2023

Time: 2:00 p.m.

Dept.: 611

Judge: The Hon. Curtis E. A. Karnow

Action Filed: July 20, 2018

This matter came on regularly for hearing on July 24, 2023 before the undersigned. The Court heard (1) Plaintiffs' Motion for Final Approval of Class Action Settlement; (2) Plaintiffs' Application for Attorneys' Fees and Costs and Class Representative Service Awards. The motions are granted as further detailed below.

1. This Order uses the definitions in the Joint Stipulation re Class Action Settlement and Release ("Settlement"). A copy of the Settlement is attached as Exhibit A to the Declaration of Michael H. Kim, filed in support of Plaintiffs' Motion for Final Approval and is made a part of this Order.

2. The Court has jurisdiction over the subject matter of this proceeding and over all Parties to this proceeding, including all Class Members.

3. The Court hereby GRANTS final approval of the Settlement upon the terms and conditions set forth in the Settlement finding them to be fair, reasonable, and adequate. The Court

1 finds the Gross Settlement Amount of \$150,000, which Defendant must deposit into a settlement
2 fund to be established by the Settlement Administrator within ten (10) days after the Effective Date,
3 to be fair, reasonable, and adequate.

4 4. For settlement purposes only, the Court finds that the requirements for certification
5 under CCP § 382 are satisfied, and the Court hereby certifies, for settlement purposes only, the
6 following Class and Subclass:

- 7 a. CLASS: All hourly employees who worked shifts over 8.0 hours under an
8 Alternative Workweek Schedule in their employment by Saarman
9 Construction, Ltd. in California during the period of July 20, 2014, through
10 the present, but who were not paid an overtime premium rate for time in
11 excess of 8.0 hours for those shifts, but excluding all employees who
12 executed individual settlement agreements with Defendant prior to January 1,
13 2023; and
- 14 b. SUBCLASS: All hourly employees who worked for Saarman Construction,
15 Ltd. at the a public works project known as Francis of Assisi, a/k/a the Mercy
16 Housing Project from January 20, 2014, through the present, and who were
17 paid an hourly rate classified as "Laborer Group 3" while working on that
18 project, but excluding all employees who executed individual settlement
19 agreements with Defendant prior to January 1, 2023.

20 5. The Notice Packet, attached as Exhibit A to the Declaration of Chantal Soto-Najera
21 of CPT Group, Inc., fully and accurately informed all Class Members of the material elements of
22 the Settlement, constituted the best notice practicable under the circumstances, and constituted
23 valid, due, and sufficient notice to all Class Members.

24 6. Because no objections were filed to the Settlement, the Effective Date of this
25 Settlement shall be the date upon which the Court grants final approval of the Settlement.

26 7. The Court directs the Parties to effectuate the Settlement according to its terms and
27 declares the Settlement to be binding on all Participating Class Members.

1 8. The Court confirms the appointment of Plaintiffs Fernando Gutierrez, David
2 Castillo, and Marco Gonzalez as Class Representatives.

3 9. The Court awards service payments to Plaintiffs as follows: \$ 800 to Fernando
4 Gutierrez, \$ 800 to David Castillo, and \$ 800 to Marco Gonzalez. The Court finds that these
5 amounts are fair and reasonable in light of (i) Plaintiffs' contributions and services to this litigation;
6 (ii) the average class recovery of \$114, and (iii) the gross settlement amount.

7 10. The Court confirms the appointment of Michael H. Kim of Michael H. Kim, P.C. as
8 Class Counsel.

9 11. The Court awards \$40,000.00 in attorneys' fees and \$8,753.93 in costs to Class
10 Counsel, as final payment for and complete satisfaction of any and all attorneys' fees and costs
11 incurred by and/or owed to Class Counsel. Class Counsel's request for attorneys' fees and costs
12 falls within the range of reasonableness and that the results achieved justify the award. The
13 payment of fees and costs to Class Counsel shall be made in accordance with the terms of the
14 Settlement.

15 12. The Court further approves the payment of \$11,000.00 to CPT Group, Inc. for the
16 fees and costs of administering the Settlement. The payment authorized by this paragraph shall be
17 made in accordance with the terms of the Settlement.

18 13. As no Class Member submitted a request to be excluded from the Settlement upon
19 the filing of this Order Granting Final Approval, Participating Class Members will be deemed to
20 have released the Released Parties from the Released Claims, as set forth in the Settlement.

21 14. The Participating Class Members are deemed to have released and forever
22 discharged the Released Parties from all Released Claims. This release bars Participating Class
23 Members from asserting any of the Released Claims in any action or proceeding against any of the
24 Released Parties on those claims.


25 15. The Parties shall bear their own attorneys' fees and costs, except as provided for in
26 the Settlement.

1 16. Within 10 days of this Order, the Settlement Administrator must give notice of this
2 Order and Judgment to Settlement Class Members pursuant to California Rules of Court, Rule
3 3.771(b) by positing a copy of said order and final judgment on the website.

4 17. Without affecting the finality of this Order in any way, the Court retains jurisdiction
5 under California Rule of Court 3.769(h) of all matters relating to the administration, interpretation,
6 implementation, effectuation and enforcement of the Settlement.

7 18. The administrator's final accounting/ disbursement report shall be filed with the
8 Court by March 22, 2024, an paper courtesy copy of it then delivered to the undersigned.

9
10
11 DATED: July 26, 2023



Curtis E.A. Karnow
JUDGE OF THE SUPERIOR COURT

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, DANIAL LEMIRE, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On **JUL 26 2023**, I electronically served THE ATTACHED DOCUMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **JUL 26 2023**

Brandon Riley, Court Clerk,

By: 

DANIAL LEMIRE, Deputy Clerk