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11 Attorneys for Plaintiff Christie Winston individually  
12 and on behalf of all others similarly situated

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF STANISLAUS

15 STACY WECKIEWICZ, individually and on  
16 behalf of others similarly situated,

17 Plaintiff,

18 vs.

19 EXECAP, INC., a California Limited Liability  
20 Corporation, EXECUTIVE AUTOPILOTS,  
21 INC., a California Corporation, ANDREY  
22 KALCHENKO, an individual, and DOES I  
23 through 20 inclusive,

24 Defendants.

Case No.: CV-18-001292

~~PROPOSED~~ ORDER AND  
JUDGMENT RE: PLAINTIFF'S  
MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT

[Assigned for all purposes to the Hon.  
Sonny S. Sandhu, Dept. 24]

Date: September 22, 2022

Time: 8:30 a.m.

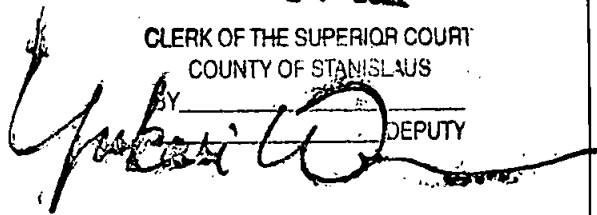
Dept: 24

Trial Date: None

FILED

SEP 27 2022

CLERK OF THE SUPERIOR COURT  
COUNTY OF STANISLAUS

BY  DEPUTY

1 This matter came on for hearing on September 22, 2022 at 8:30 A.m., in Department 24 of  
2 the above-entitled court located at 801 10<sup>th</sup> Street, Modesto, California, 95354, regarding  
3 Plaintiff's Motion for Final Approval of Class Action Settlement. Having fully reviewed and  
4 considered the moving papers, and having analyzed the Class Action Settlement Agreement  
5 ("Settlement Agreement") between Plaintiff Stacy Weckiewicz's ("Plaintiff") and Defendants  
6 THE SCOTTS COMPANY LLC and THE SCOTTS MIRACLE-GRO COMPANY (collectively  
7 referred to as "Defendants"), attached as Exhibit A to the Declaration of Daniel Bass, **THIS**  
8 **COURT HEREBY MAKES THE FOLLOWING ORDERS:**

9 1. This Order and Judgment incorporates by reference the definitions in the Settlement  
10 Agreement, which, together with the exhibit attached thereto, sets forth the terms and conditions  
11 for a proposed settlement of and judgment in the Action, and all terms defined therein shall have  
12 the same meaning in this Order as set forth in the Settlement Agreement.

13 2. The Court has jurisdiction over Plaintiff and Defendants and the subject matter of  
14 the action.

15 3. The Court hereby GRANTS judgment and final approval of the Settlement in the  
16 Gross Settlement Amount of \$275,000 upon the terms and conditions set forth in the Settlement  
17 Agreement finding it to be fair, reasonable, and adequate.

18 4. The Court has determined that the Notice fully and accurately informed all Class  
19 Members of the material elements of the Settlement, constituted the best notice practicable under  
20 the circumstances, and constituted valid, due, and sufficient notice to all Class Members.

21 5. Because no valid objections were filed to the Settlement, the Effective Date means  
22 sixty (60) days after the date this Court enters this Final Approval Order and Judgment. Defendants  
23 are directed to provide payment to the Settlement Administrator in accordance with the terms of  
24 the Settlement Agreement as modified by the Parties' Addendum.

25 6. This Court approves an award of attorneys' fees in the amount of \$91,666.67, and  
26 costs in the amount of \$9,661.23. The Court further approves a Class Representative Enhancement  
27 Award of \$5,000 to Plaintiff. Distribution of these amounts shall be made in accordance with the  
28 terms of the Settlement Agreement.

1           7.       The Court approves settlement administration costs in the amount of \$11,500 and  
2 authorizes the Settlement Administrator to pay itself this amount from the Gross Settlement  
3 Amount in accordance with the terms of the Settlement Agreement.

4           8.       The Court approves allocation of Twelve Thousand Dollars (\$12,000.00) to the  
5 release of the PAGA claim. From that allocation, the Settlement Administrator shall make the  
6 PAGA Payment to the California Labor and Workforce Development Agency in the amount of  
7 Nine Thousand Dollars (\$9,000.00). The PAGA Payment will be paid from the Gross Settlement  
8 Amount in accordance with the terms of the Settlement Agreement. The remaining Three  
9 Thousand Dollars (\$3,000) will be paid to the class in accordance with the terms of the Settlement  
10 Agreement. Plaintiff's Counsel shall provide notice of this judgment to the LWDA pursuant to  
11 Lab. Code § 2699.

12           9.       The Court approves distribution of the Net Settlement Amount to the participating  
13 Class Members in accordance with the terms of the Settlement Agreement.

14           10.      As no Class Member submitted a request to be excluded from the Settlement upon  
15 the filing of this Order Granting Final Approval and Judgment, Participating Class Members will  
16 be deemed to have released the Released Parties from the Released Claims, as set forth in the  
17 Settlement Agreement. Class Members who did not object to the Settlement as of the time of the  
18 Final Approval Hearing are barred from prosecuting or pursuing any objection to the Settlement  
19 or appeal of this Order Granting Final Approval and Judgment.

20           11.      If the Settlement does not become final and effective in accordance with the terms  
21 of the Settlement Agreement, any and all orders entered in connection herewith shall be rendered  
22 null and void and shall be vacated.

23           12.      Neither this Order Granting Final Approval and Judgment nor the Settlement shall  
24 constitute an admission by Defendants of any liability or wrongdoing whatsoever, nor is this Order  
25 Granting Final Approval and Judgment a finding of the validity or invalidity of any of the claims  
26 in the action or a finding of wrongdoing by Defendants herein.

27           13.      Each of the parties will bear their own attorneys' fees and costs, except as provided  
28 for in the Settlement.


1           14. By signing and filing this Order Granting Final Approval and Judgment, the Court  
2 decrees that, as of the Effective Date, the Participating Class Members shall be conclusively  
3 deemed to have released and forever discharged the Released Parties from all Released Claims.  
4 This release bars Participating Class Members from asserting any of the Released Claims in any  
5 action or proceeding against any of the Released Parties.

6           15. Without affecting the finality of this Order Granting Final Approval and Judgment  
7 in any way, the Court reserves exclusive and continuing jurisdiction over the action for purposes  
8 of supervising the implementation, enforcement, construction, administration, and effectuation of  
9 the Settlement.

10           16. The Court hereby sets a final compliance hearing on June 14, 2022<sup>23</sup> in  
11 Department 24 at 8:30 a.m./p.m. regarding the status of the final distribution of the settlement  
12 funds.

13           **IT IS SO ORDERED.**

14  
15 Dated: 9/20, 2022

  
\_\_\_\_\_  
Judge of the Superior Court  
**SONNY S. SANDHU**