

1 Ramin R. Younessi, Esq. (SBN 175020)
ryounessi@younessilaw.com
2 Samantha L. Ortiz, Esq. (SBN 312503)
sortiz@younessilaw.com
3 **LAW OFFICES OF RAMIN R. YOUNESSI**
A PROFESSIONAL LAW CORPORATION
4 3435 Wilshire Boulevard, Suite 2200
Los Angeles, California 90010
5 Telephone: (213) 480-6200
Facsimile: (213) 480-6201

6 Attorneys for Plaintiff
7 PATRICK MAGRDCHIAN

RECEIVED

JUN 02 2021

Room 106

FILED
Superior Court of California
County of Los Angeles

JUN 18 2021

Sherril R. Carter, Executive Officer/Clerk of Court
By Lori M. Greene, Deputy

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES, CIVIL COMPLEX CENTER**

11 PATRICK MAGRDCHIAN, individually and
12 on behalf of himself and others similarly
situated,

13 Plaintiff,

14 v.

15 TPPJ S. PASADENA, LLC., a California
16 limited liability company; and DOES 1
through 20, inclusive,

17 Defendants.

Case No.: BC709657

CLASS ACTION

*Assigned to the Honorable Judge Carolyn B. Kuhl,
Dept. SSC12*

**[PROPOSED] ORDER AND JUDGMENT OF
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

Non-Appearance Case Review

Date: June 7, 2021

Time: 4:30 p.m.

Dept.: 12

Action filed: June 13, 2018

First Amended Complaint filed: November 2, 2018

22 The Court, having read the papers filed with regard to Plaintiff's unopposed motion for final
23 approval of a class action settlement, and having heard argument on the motion on May 20, 2021,
24 hereby finds and ORDERS as follows:

25 1. The Court has jurisdiction over this matter and over all parties to the action, including the
26 members of the Settlement Class.

27 2. The Revised Stipulation of Class Action Settlement and Release between Plaintiff and
28 Defendants ("Revised Stipulation") is the product of arms-length negotiations between the Parties and

1 the terms of the Revised Stipulation are fair, reasonable, adequate, and in the best interests of the
2 Settlement Class. The Revised Stipulation therefore is finally approved, and its terms incorporated
3 herein. The Court orders the parties to the Stipulation to perform forthwith their respective duties and
4 obligations under the Revised Stipulation.

5 3. This Order incorporates by reference the definitions in the Stipulation and all terms
6 defined therein shall have the same meaning in this Order unless otherwise indicated.

7 4. The Settlement Class, which was provisionally certified by the Court in its November 2,
8 2020 Order Granting Preliminary Approval, hereby is certified under California Code of Civil Procedure
9 Section 382 for purposes of settlement only. The Class Members include “all persons who are or have
10 been employed as nonexempt employees for Defendants in the State of California at any time from June
11 13, 2014 through March 31, 2019.” The Settlement Class includes “those Class Members who have not
12 opted out of the Class by submitting timely Requests for Exclusion.”

13 5. The Court adjudges the Class members, to the extent provided by the Stipulation, be
14 deemed to have conclusively released and discharged the Released Parties (as defined in the Revised
15 Stipulation) from the Released Claims (as defined in the Stipulation).

16 6. As of the Fairness Hearing on May 20, 2021, zero individuals had submitted valid and
17 timely requests to be excluded from the Settlement. Further, zero individuals submitted written
18 objections to the Settlement nor did any individuals appear at the Fairness Hearing to make an oral
19 objection to the Settlement.

20 7. The Claims Administrator is ordered to distribute to the Settlement Class Members their
21 respective shares of the Net Settlement Amount as provided in the Stipulation. Funds attributable to
22 uncashed checks that remain after the void date shall be distributed to Bet Tzedek Legal Services. No
23 funds shall revert to Defendants.

24 8. The fees requests for Class Counsel are appropriate and reasonable in light of the benefit
25 provided to the Class Members. Further, the costs incurred by Class Counsel were reasonable and
26 necessary for the successful prosecution of the case. Accordingly, the Court approves Class Counsel’s
27 request for an award of attorney’s fees in the amount of \$50,000.00 and award of costs and expenses in
28 the amount of \$2,000.00. Such amounts shall be paid as provided in the Revised Stipulation.

1 9. The Revised Stipulation provides that Plaintiff and Class Representative Patrick
2 Magrdchian shall be paid an Enhancement Payment or service award from the Gross Settlement Amount
3 in the amount of \$10,000 for his services as Class Representative and in consideration for his execution
4 of a full and complete waiver of all known and unknown claims against Defendants. However, the Court
5 finds that an Enhancement Payment to Plaintiff in the amount of \$7,500.00 is more reasonable given the
6 risks Plaintiff assumed and the amount of time Plaintiff spent assisting with prosecuting the case. The
7 requested amount also is within the range of reasonableness for such awards approved in other cases.
8 Accordingly, the Court approves an Enhancement Payment to Patrick Magrdchian in the amount of
9 \$7,500.00, and the Claims Administrator is ordered to make such payment consistent with the terms of
10 the Revised Stipulation.

11 10. The Court finds and determines the payment to the California Labor and Workforce
12 Development Agency of \$4,999.50 as its share of the settlement of civil penalties under the California
13 Private Attorneys General Act, Labor Code Sections 2698, *et seq.*, is fair, appropriate and reasonable.
14 The Court hereby finally approves said payment and orders the payment be made in accordance with the
15 terms of the Stipulation.

16 11. The Revised Stipulation provides that the Claims Administrator, CPT Group, Inc., shall
17 be paid from the Gross Settlement Amount in an amount not to exceed \$6,500.00. As set forth in the
18 Declaration of Tim Cunningham on behalf of CPT Group, Inc., the Claims Administrator is owed
19 \$8,000.00 for services rendered and to be rendered in administering the settlement, with the increase
20 attributable to the need to remit unclaimed funds to Bet Tzedek Legal Services. The Court nevertheless
21 orders that CPT Group, Inc. be paid in the amount of \$6,500.00 from the Settlement consistent with the
22 terms of the Revised Stipulation.

23 12. Under California Rule of Court, Rule 3.769(h), without affecting the finality of this Order
24 and Judgment in any way, the Court retains jurisdiction over: (1) implementation and enforcement of the
25 Stipulation pursuant to further orders of this Court until the final Judgment contemplated becomes
26 effective and each and every act agreed to be performed by the parties has been performed under the
27 terms of the Revised Stipulation; (2) any other action necessary to conclude this settlement and to
28

1 implement the Stipulation; and (3) the enforcement, construction, and interpretation of the Revised
2 Stipulation.

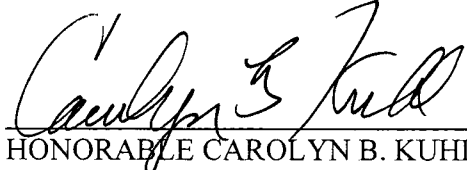
3 13. Neither this Order nor the Revised Stipulation upon which it is based are an admission or
4 concession by any party of any fault, omission, liability or wrongdoing. This Order is not a finding of
5 the validity or invalidity of any claims in this action or a determination of any wrongdoing by any party.
6 The final approval of the parties' settlement will not constitute any opinion, position or determination of
7 this Court as to the merits of the claims or defenses of any party.

8 14. Judgment is hereby entered as follows: Plaintiff Patrick Magrdchian and the Settlement
9 Class members, consisting of all current and former nonexempt employees of Defendants at any time
10 between June 13, 2014 and March 31, 2019, and who have not affirmatively and timely submitted
11 Requests for Exclusion to opt-out of the Settlement, shall take nothing from Defendants TPPJ S.
12 Pasadena, LLC and Tomato Pie Pizza Joint Silver Lake, Inc. except as set forth in the Revised
13 Stipulation of Class Action Settlement and Release between Plaintiff and Defendants. The Court shall
14 retain jurisdiction over the parties to interpret, implement and enforce this Judgment.

15 15. The Claims Administrator shall file a final report regarding the final distribution of funds
16 pursuant to the terms of the Revised Stipulation by January 17, 2022. A non-appearance case review
17 hearing is set for January 24, 2022.

18 **IT IS SO ORDERED.**

19
20 Dated: June 18, 2021

21 
22 HONORABLE CAROLYN B. KUHL
23 JUDGE OF THE SUPERIOR COURT

24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 3435 Wilshire Boulevard, Suite 2200, Los Angeles, California 90010.

On June 2, 2021, I served the foregoing document described as **[PROPOSED] ORDER AND JUDGMENT OF FINAL APPROVAL OF CLASS ACTION SETTLEMENT** on the interested parties in this action as follows:

By emailing true copies addressed to each addressee as follows:

Alexandra Buechner, Esq. alex@hacklerflynnlaw.com HACKLER FLYNN & ASSOCIATES, APC 597 Monterey Pass Road Monterey Park, California 91754	<i>Attorneys for Defendants</i> TPPJ S. PASADENA, LLC and TOMATO PIE PIZZA JOINT SILVER LAKE, INC.
--	---

ONLY BY ELECTRONIC TRANSMISSION. Only by e-mailing the document(s) to the persons at the e-mail address(es) listed based on notice provided that, during the Coronavirus (COVID-19) pandemic, this office will be working remotely, not able to send physical mail as usual, and is therefore using only electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

Executed on June 2, 2021, at Los Angeles, California.

- STATE I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- FEDERAL I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Christian Ortiz

