

NOTICE SENT TO:

Aiwazian, Edwin, Esq.
Lawyers for Justice, PC
410 West Arden Avenue, Suite 203
Glendale, CA 91203

FILE STAMP
COMPUTERIZED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

AUG 31 2017

Sherri R. Carter, Executive Officer/Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

REYNA MARIE YBARRA

Plaintiff(s),

VS.

APARTMENT INVESTMENT AND MANAGEMENT CO
Defendant(s).

CASE NUMBER

BC480377

**NOTICE OF
ENTRY OF JUDGMENT**

To the above named parties and to their attorneys of record:

You are hereby notified that judgment in the above-entitled matter was entered on: August 31, 2017.

SHERRI R. CARTER, Executive Officer/Clerk
of the Superior Court of California,
County of Los Angeles

By  _____, Deputy

CERTIFICATE OF MAILING

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Entry of Judgment upon each party or counsel named above by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown above with the postage thereon fully prepaid.

Date: August 31, 2017

Sherri R. Carter, EXECUTIVE OFFICER/CLERK

By  _____, Deputy Clerk

1 Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
2 Joanna Ghosh (SBN 272479)
3 **LAWYERS for JUSTICE, PC**
410 West Arden Avenue, Suite 203
Glendale, California 91203
4 Tel: (818) 265-1020 / Fax: (818) 265-1021

REC'D

FILING WINDOW CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

5 Kevin Shenkman (SBN 223315)
Mary Hughes (SBN 222662)
6 **SHENKMAN & HUGHES**
28905 Wight Road
7 Malibu, California 90265
8 Tel: (310) 457-0970

AUG 31 2017

Sherri R. Carter, Executive Officer/Clerk
By Neli M. Raya, Deputy

9 Peter Gezoukian (SBN 224834)
GEZOUKIAN & NALBANDYAN, PC
620 Brand Blvd., Suite 400
10 Glendale, California 91203
11 Tel: (818) 334-6446 / Fax: (818) 334-6408

Attorneys for Plaintiff and the Settlement Class

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF LOS ANGELES**

16 REYNA MARIE YBARRA; individually, and
on behalf of other members of the general
17 public similarly situated, and on behalf of
aggrieved employees pursuant to the Private
18 Attorneys General Act ("PAGA");

Case No.: BC480377

Honorable Yvette M. Palazuelos
Department 28

**[REVISED PROPOSED] FINAL
APPROVAL ORDER AND JUDGMENT**

19 Plaintiff,

20 vs.

21 APARTMENT INVESTMENT AND
MANAGEMENT COMPANY, a Maryland
22 corporation; and DOES 1 through 100,
inclusive,

Reservation ID: 170310202247
Date: August 8, 2017
Time: 8:45 a.m.
Department: 28

Complaint Filed: March 8, 2012
FAC Filed: December 5, 2016
Jury Trial Date: None Set

23 Defendants.
24

COPY

1 This matter came before the Honorable Yvette M. Palazuelos in Department 28 of the
2 above-entitled Court, located at Stanley Mosk Courthouse, 111 North Hill Street, Los Angeles,
3 California 90012, on August 8, 2017 at 8:45 a.m. for Plaintiff Reyna Marie Ybarra's ("Plaintiff")
4 Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Service
5 Award ("Motion for Final Approval"). Stephanie S. Ponek, Esq. of Lawyers for Justice, PC,
6 Kevin Shenkman, Esq. of Shenkman & Hughes, and Peter Gezoukian, Esq. of Gezoukian &
7 Nalbandyan, PC appeared in-person on behalf of Plaintiff and the Settlement Class. John M.
8 Husband, Esq. of Holland & Hart appeared in-person and Delavan J. Dickson, Esq. of Call &
9 Jensen appeared via CourtCall on behalf of Defendant Apartment Investment and Management
10 Company ("Defendant").

11 Having duly considered the parties' papers and oral argument, and good cause appearing,

12 **I. FINDINGS**

13 Based on written argument and evidence presented in connection with the Motion for
14 Final Approval, the Court makes the following findings:

15 1. All terms used herein shall have the same meanings as defined in the parties'
16 Stipulation of Settlement and Release Between Plaintiff and Defendant, and Amendment No. 1
17 to Stipulation of Settlement and Release Between Plaintiff and Defendant ("Amendment No. 1")
18 (collectively, "Settlement," "Agreement," or "Settlement Agreement").

19 2. The Court finds that the applicable requirements of California Code of Civil
20 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with
21 respect to the Settlement Class and the Settlement. The Court hereby makes final its earlier
22 provisional certification of the Settlement Class for settlement purposes, as set forth in the
23 Preliminary Approval Order. The Settlement Class is defined as:

24 All individuals who worked for or were employed by Defendant or its affiliates in
25 the position of community manager in the State of California at any time during
26 the period from March 12, 2011 until March 9, 2017.

27 3. The Court finds the Settlement is fair, reasonable, and adequate, and in the best
28 interests of the Settlement Class as a whole.

1 4. The Court finds that the Settlement was reached following meaningful discovery
2 and investigation conducted by Class Counsel; that the Settlement is the result of serious,
3 informed, adversarial, and arms-length negotiations between the parties; and that the terms of the
4 Settlement are in all respects fair, adequate, and reasonable. In so finding, the Court has
5 considered all of the evidence presented, including evidence regarding the strength of the
6 Plaintiff's case; the risk, expense, and complexity of the claims presented; the likely duration of
7 further litigation; the amount offered in the Settlement; the extent of investigation and discovery
8 completed; the experience and views of Class Counsel; and the absence of requests for exclusion
9 and objections to the Settlement by Settlement Class Members.

10 5. The Notice of Proposed Class Action Settlement ("Class Notice") that was
11 provided to the Settlement Class Members and the Claim Form (collectively "Notice Packet"),
12 fully and accurately informed the Class Members of all material elements of the Settlement and
13 of their opportunity to participate in, object to or comment thereon, or to seek exclusion from,
14 the Settlement; was the best notice practicable under the circumstances; was valid, due, and
15 sufficient notice to all Settlement Class Members; and complied fully with the laws of the State
16 of California, the United States Constitution, due process and other applicable law. The Notice
17 Packet fairly and adequately described the Settlement and provided the Settlement Class
18 Members with adequate instructions and a variety of means to obtain additional information.

19 6. A full opportunity has been afforded to the Settlement Class Members to
20 participate in the Final Approval Hearing, and all Settlement Class Members and other persons
21 wishing to be heard have been heard. The Settlement Class Members also have had a full and
22 fair opportunity to exclude themselves from the Settlement and the Settlement Class.
23 Accordingly, the Court determines that all Settlement Class Members who did not timely and
24 properly execute and submit a request for exclusion to the Settlement Administrator are bound
25 by this Final Approval Order and Judgment.

26 7. The Court finds that Class Counsel's request for attorneys' fees in the amount of
27 \$192,500 falls within the range of reasonableness, and the results achieved justify the award
28 sought. The requested fees are fair, reasonable, and appropriate, and hereby approved.

1 forever barred from asserting, any Released Claims against the Releasees, as set forth in the
2 Settlement Agreement. Settlement Class Members who negotiate their settlement payment
3 checks shall be deemed to have "opted-in" for purpose of release of claims for violation of the
4 Fair Labor Standards Act ("FLSA").

5 4. After entry of this Final Approval Order and Judgment, pursuant to California
6 Rules of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret,
7 implement, and enforce the Agreement, to hear and resolve any contested challenge to a claim
8 for settlement benefits, and to supervise and adjudicate any dispute arising from or in connection
9 with the distribution of settlement benefits.

10 AUG 31 2017 YVETTE M. PALAZUELOS

11 Dated: _____

HONORABLE YVETTE M. PALAZUELOS
JUDGE OF THE SUPERIOR COURT

12
13
14 Clerk to give notice
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 410 West Arden Avenue, Suite 203, Glendale, California 91203.

On August 18, 2017, I served the following document described as: [REVISED PROPOSED] FINAL APPROVAL ORDER AND JUDGMENT on interested parties in this action as follows:

Julie R. Trotter	John M. Husband
Jacqueline Beaumont	Christina Gomez
Delavan J. Dickson	HOLLAND & HART LLP
CALL & JENSEN	555 Seventeenth Street, Suite 3200
610 Newport Center Drive, Suite 700	Denver, Colorado 80202-3979
Newport Beach, California 92660	

Attorneys for Defendant Apartment Investment and Management Company

BY U.S. MAIL

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. Postal Service on that day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

State of California, Labor & Workforce Development Agency

800 Capitol Mall, MIC-55
Sacramento, California 95814

Web URL:

<http://www.dir.ca.gov/Private-Attorneys-General-Act/Private-Attorneys-General-Act.html>

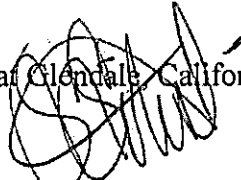
BY ONLINE SUBMISSION

The foregoing documents were transmitted to the California Labor and Workforce Development Agency through the online system established for the submission of notices and documents, in conformity with California Labor Code section 2699(l). I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

STATE

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 18, 2017 at Glendale, California.


Suzana Solis