

1 Edwin Aiwazian (SBN 232943)
2 Arby Aiwazian (SBN 269827)
3 Joanna Ghosh (SBN 272479)
4 **LAWYERS for JUSTICE, PC**
5 410 West Arden Avenue, Suite 203
6 Glendale, California 91203
7 Tel: (818) 265-1020 / Fax: (818) 265-1021

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Superior Court of California
County of Los Angeles

MAY 25 2018

Sherri R. Carter, Executive Officer/Clerk
By Veronica Solis, Deputy

Attorneys for Plaintiff and the Putative Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

9 LORENA VARGAS; individually, and on
10 behalf of other members of the general public
11 similarly situated and on behalf of other
12 aggrieved employees pursuant to the California
13 Private Attorneys General Act;

Plaintiff,

vs.

14 C & F FOODS, INC., a California corporation;
15 and DOES 1 through 100, inclusive,

Defendants.

Case No.: BC647014

Honorable William F. Fahey
Department 69

CLASS ACTION

**~~REVISED PROPOSED~~ FINAL
APPROVAL ORDER AND JUDGMENT**

Reservation ID: 180116281983
Date: May 4, 2018
Time: 10:00 a.m.
Department: 69

Complaint Filed: January 17, 2017
FAC Filed: September 13, 2017
Jury Trial Date: None Set

ORIGINAL

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

6 All current and former hourly-paid or non-exempt employees who worked for
7 Defendant within the State of California at any time during the period from
8 March 2, 2012 to October 31, 2016.

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

18 5. Pursuant to California law, the Court hereby grants final approval of the
19 Settlement and finds it reasonable and adequate, and in the best interests of the Putative Class as
20 a whole. More specifically, the Court finds that the Settlement was reached following
21 meaningful discovery and investigation conducted by Class Counsel; that the Settlement is the
22 result of serious, informed, adversarial, and arms-length negotiations between the parties; and
23 that the terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding,
24 the Court has considered all of the evidence presented, including evidence regarding the strength
25 of the Plaintiff’s case; the risk, expense, and complexity of the claims presented; the likely
26 duration of further litigation; the amount offered in the Settlement; the extent of investigation
27 and discovery completed; and the experience and views of Class Counsel. The Court has further
28 considered the absence of objections to the Settlement and that there were no timely and valid
Requests for Exclusion submitted by Putative Class Members to the Settlement Administrator.

1 Accordingly, the Court hereby directs that the Settlement be affected in accordance with the
2 Settlement Agreement and the following terms and conditions.

3 6. A full opportunity has been afforded to the Putative Class Members to participate
4 in the Final Approval Hearing, and all Putative Class Members and other persons wishing to be
5 heard have been heard. The Putative Class Members also have had a full and fair opportunity to
6 exclude themselves from the Settlement. Accordingly, the Court determines that all Putative
7 Class Members who did not submit a timely and valid Request for Exclusion to the Settlement
8 Administrator (“Settlement Class Members”) are bound by this Final Approval Order and
9 Judgment.

10 7. It is hereby ordered that Defendant shall transmit the Gross Settlement Fund to
11 the Settlement Administrator within fifteen (15) calendar days of the Effective Date, in
12 accordance with the Settlement Agreement.

13 8. It is hereby ordered that the Settlement Administrator, Simpluris, Inc.
14 (“Simpluris”), shall issue payment to itself in the amount of \$9,000 for the services performed
15 and costs incurred for the notice and settlement administration process, in accordance with the
16 Settlement Agreement.

17 9. It is hereby ordered that the Settlement Administrator shall issue the Individual
18 Settlement Share checks to all Settlement Class Members, according to the methodology and
19 terms set forth in the Settlement Agreement.

20 10. It is further ordered, pursuant to California Code of Civil Procedure section 384,
21 that all Individual Settlement Share checks issued to Settlement Class Members that are not
22 cashed within one hundred eighty (180) calendar days after they are issued will be cancelled and
23 the funds associated with all such cancelled checks plus any accrued interest that has not
24 otherwise been distributed, will be transmitted, in accordance with California Code of Civil
25 Procedure section 384, as amended, as follows: twenty-five percent (25%) to the State Treasury
26 for deposit in the Trial Court Improvement and Modernization Fund and seventy-five percent
27 (75%) to the State Treasury for deposit into the Equal Access Fund of the Judicial Branch.

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1 11. The Court awards a Service Award in the amount of \$5,000 to Plaintiff. It is
2 hereby ordered that that the Settlement Administrator issue payment to Plaintiff Lorena Vargas
3 in the amount of \$5,000 for her Service Award.

4 12. The Court finds that the allocation of \$20,000 toward penalties under the
5 California Private Attorneys General Act of 2004 (“PAGA Payment”), is fair, reasonable, and
6 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA
7 Payment as follows: the amount of \$15,000 to the California Labor and Workforce Development
8 Agency, and the amount of \$5,000 to be a part of the Net Settlement Fund.

9 13. The Court awards attorneys’ fees in the amount of \$187,500 to Class Counsel. It
10 is hereby ordered that the Settlement Administrator issue payment in the amount of \$187,500 to
11 *Lawyers for Justice, PC* for attorneys’ fees.

12 14. The Court finds that reimbursement of litigation costs and expenses in the amount
13 of \$15,005.90 incurred by Class Counsel is reasonable, and hereby approved. It is hereby
14 ordered that the Settlement Administrator issue payment in the amount of \$15,005.90 to *Lawyers*
15 *for Justice, PC* for reimbursement of litigation costs and expenses.

16 15. The Court hereby enters Judgment by which Settlement Class Members shall be
17 conclusively determined to have given a release of any Released Claims against the Released
18 Parties, as set forth in the Settlement Agreement and the Notice. Only Settlement Class
19 Members who cash their Individual Settlement Share checks will be deemed to have opted in to
20 the release of Released Claims arising under the Fair Labor Standards Act.

21 16. After entry of this Final Approval Order and Judgment, pursuant to California
22 Rules of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret,
23 implement, and enforce the Settlement Agreement, to hear and resolve any contested challenge
24 to a claim for settlement benefits, and to supervise and adjudicate any dispute arising from or in
25 connection with the distribution of settlement benefits.

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1 17. Notice of entry of this Final Approval Order and Judgment shall be given to the
2 Putative Class Members by posting a copy of the Final Approval Order and Judgment on
3 Simpluris, Inc.'s website for a period of at least sixty (60) calendar days after the date of entry of
4 this Final Approval Order and Judgment. No individualized notice shall be required.

5
6 Dated: _____

5/25/18



HONORABLE WILLIAM F. FANEY
JUDGE OF THE SUPERIOR COURT