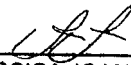


ORIGINAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 31 2017

BY 
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14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **FOR THE COUNTY OF SAN BERNARDINO**

16 DANIELLE STALLINGS-STEINBRUGGER;
17 individually and on behalf of other members of
18 the general public similarly situated, FATIMA
19 AMARO; individually and on behalf of other
20 members of the general public similarly
21 situated, and on behalf of other aggrieved
22 employees pursuant to the California Private
23 Attorneys General Act;

24 Plaintiffs,

25 v.

26 MOUNTAIN WEST FINANCIAL, INC., a
27 California corporation; and DOES 1 through
28 100, inclusive,

Defendants.

Case No.: CIVDS1503956

Honorable Wilfred J. Schneider, Jr.
Department S32

CLASS ACTION

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

Date: October 31, 2017
Time: 8:30 a.m.
Department: S32

Complaint Filed: March 19, 2015
FAC Filed: July 29, 2016
SAC Filed: February 1, 2017
Jury Trial: None Set

FILED BY FAX

1 This matter has come before the Honorable Wilfred J. Schneider, Jr. in Department S32
2 of the above-entitled Court, located at San Bernardino Justice Center, 247 West Third Street, San
3 Bernardino, California 92415, on Plaintiffs Danielle Stallings-Steinbrugger and Fatima Amaro's
4 ("Plaintiffs") Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and
5 Service Awards ("Motion for Final Approval").

6 On April 26, 2017, the Court granted Plaintiffs' Motion for Preliminary Approval of
7 Class Action Settlement, entering an Order Granting Motion for Preliminary Approval of Class
8 Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the
9 settlement of the above-captioned action ("Action") in accordance with the Settlement
10 Agreement. On July 31, 2017 the Court entered the Joint Stipulation to Modify Settlement
11 Administration Procedure; Order Thereon ("Order to Modify Settlement Administration
12 Procedure"), which together with the exhibits annexed thereto, and the Settlement Agreement
13 and exhibits annexed thereto (collectively "Settlement," "Agreement" or "Settlement
14 Agreement"), set forth the terms and conditions for settlement and judgment of the Action.

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

16 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

17 1. All terms used herein shall have the same meaning as defined in the Settlement
18 Agreement.

19 2. This Court has jurisdiction over the claims of the Settlement Class Members
20 asserted in this proceeding and over all parties to the Action.

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

26 All persons who were employed as hourly paid or non-exempt employees who
27 worked for Defendant Mountain West Financial, Inc. ("Defendant") within the
28 State of California at any time during the period from March 19, 2011 to April 26,
2017.

1 4. The Corrected Notice of Proposed Class Action Settlement (“Corrected Class
2 Notice”), Corrected Claim Form, and Corrected Opt-Out Form (collectively “Additional Notice
3 Packet”) that were provided to the Settlement Class Members, fully and accurately informed the
4 Settlement Class Members of all material elements of the Settlement and of their opportunity to
5 participate in, object to or comment thereon, or to seek exclusion from, the Settlement; was the
6 best notice practicable under the circumstances; was valid, due, and sufficient notice to all
7 Settlement Class Members; and complied fully with the laws of the State of California, the
8 United States Constitution, due process and other applicable law. The Additional Notice Packet
9 fairly and adequately described the Settlement and provided the Settlement Class Members with
10 adequate instructions and a variety of means to obtain additional information.

11 5. Pursuant to California law, the Court hereby grants final approval of the
12 Settlement and finds it reasonable and adequate, and in the best interests of the Settlement Class
13 as a whole. More specifically, the Court finds that the Settlement was reached following
14 meaningful discovery and investigation conducted by Class Counsel; that the Settlement is the
15 result of serious, informed, adversarial, and arms-length negotiations between the parties; and
16 that the terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding,
17 the Court has considered all of the evidence presented, including evidence regarding the strength
18 of the Plaintiffs’ case; the risk, expense, and complexity of the claims presented; the likely
19 duration of further litigation; the amount offered in the Settlement; the extent of investigation
20 and discovery completed; and the experience and views of Class Counsel. The Court has further
21 considered the absence of objections to the Settlement by Settlement Class Members, as well as
22 the small number of valid requests for exclusion from the Settlement. Accordingly, the Court
23 hereby directs that the Settlement be affected in accordance with the Settlement Agreement and
24 the following terms and conditions.

25 6. A full opportunity has been afforded to the Settlement Class Members to
26 participate in the Final Approval Hearing, and all Settlement Class Members and other persons
27 wishing to be heard have been heard. The Settlement Class Members also have had a full and
28 fair opportunity to exclude themselves from the Settlement and the Settlement Class.

1 Accordingly, the Court determines that all Settlement Class Members who did not timely and
2 properly execute and submit an Opt-Out Form or Corrected Opt-Out Form (collectively, "Opt-
3 Outs") to the Settlement Administrator are bound by this Final Approval Order and Judgment.

4 7. The Court determines that the Settlement Class Members who submitted Opt-
5 Outs, having timely submitted valid Opt-Outs to the Settlement Administrator, shall not be
6 bound by the Agreement and this Final Approval Order and Judgment.

7 8. It is hereby ordered that the Settlement Administrator, Simpluris, Inc., shall issue
8 payment to itself in the amount of \$25,000 for the services performed and costs incurred for the
9 notice and administration of the Settlement.

10 9. It is hereby ordered that the Settlement Administrator shall issue the settlement
11 funds according to the methodology and terms set forth in the Settlement Agreement.

12 10. The Court finds that the service awards sought are fair and reasonable for the
13 work performed by Plaintiffs Danielle Stallings-Steinbrugger and Fatima Amaro on behalf of the
14 Settlement Class. It is hereby ordered that that the Settlement Administrator issue payment in
15 the amount of \$10,000 to Plaintiff Danielle Stallings-Steinbrugger and \$5,000 to Plaintiff Fatima
16 Amaro, for a combined total of \$15,000, for their service awards.

17 11. The Court finds that the \$10,000 allocated toward penalties under the California
18 Labor Code's Private Attorneys General Act of 2004 ("PAGA Payment"), is fair, reasonable, and
19 appropriate, and hereby approved. The Settlement Administrator shall issue payment in the
20 amount of \$7,500 (or 75% of \$10,000) to the California Labor and Workforce Development
21 Agency ("LWDA Payment"), and the remaining penalties allocation in the amount of \$2,500
22 shall be a part of the Net Common Fund for distribution to the Claimants, according to the terms
23 of the Settlement Agreement.

24 12. The Court finds that Class Counsel's request for attorneys' fees falls within the
25 range of reasonableness, and the results achieved justify the award sought. The requested fees
26 are fair, reasonable, and appropriate, and hereby approved. It is hereby ordered that the
27 Settlement Administrator issue payment in the amount of \$367,500 for attorneys' fee, in
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1 accordance with the Settlement Agreement, as follows: \$275,625 to Lawyers *for* Justice, PC and
2 \$91,875 to Girardi & Keese.

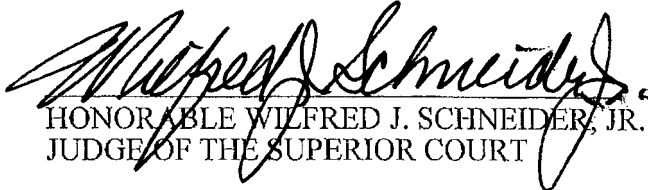
3 13. The Court finds that the litigation costs and expenses in the amount of \$20,000
4 collectively incurred by Class Counsel in prosecuting this Action are reasonable, and hereby
5 approved. It is hereby ordered that the Settlement Administrator issue payment in the amount of
6 \$20,000 for reimbursement of litigation costs and expenses, in accordance with the Settlement
7 Agreement.

8 14. With this final approval of the Settlement, the Court hereby enters judgment by
9 which Settlement Class Members who did not submit a valid and timely Opt-Out shall be
10 conclusively determined to have given a release of, and permanently enjoined and forever barred
11 from asserting, any Released Claims against the Released Parties, as set forth in the Settlement
12 Agreement and the Additional Notice Packet.

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

18 16. Notice of entry of this Final Approval Order and Judgment shall be given to the
19 Settlement Class Members by posting a copy of the Final Approval Order and Judgment on
20 Simpluris, Inc.'s website for a period of at least sixty (60) calendar days after the date of entry of
21 this Final Approval Order and Judgment.

22 Dated: 10/31/2017


HONORABLE WILFRED J. SCHNEIDER, JR.
JUDGE OF THE SUPERIOR COURT

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