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LAU AND MOTION DEPT. 53764
SUPERIOR COURT
OF CALIFORNIA
SACRAMENTO COUNTY

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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF SACRAMENTO**

12 OLIVIA ANGEL; individually, and on behalf
13 of other members of the general public
similarly situated; HERMAN PARKER,
14 individually, and on behalf of other members
of the general public similarly situated and on
15 behalf of other aggrieved employees pursuant
to the California Private Attorneys General
16 Act;

17 **Plaintiffs,**

18 vs.

19 PET EXTREME, INC., a California
corporation; and DOES 1 through 100,
20 inclusive,

21 **Defendants.**

Case No.: 34-2015-00180835-CU-OE-CDS

Honorable David I. Brown
Department 53

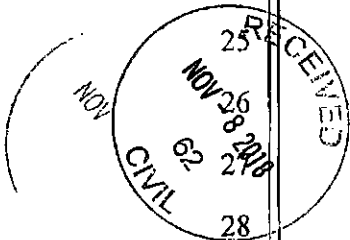
CLASS ACTION

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

Date: December 5, 2018
Time: 2:00 p.m.
Department: 53

Complaint Filed: June 23, 2015
FAC Filed: October 13, 2015
SAC Filed: December 28, 2016
Trial Date: None Set

FILED BY FAX



1 This matter has come before the Honorable David I. Brown in Department 53 of the above-
2 entitled Court, located at 813 6th Street, Sacramento, California 95814, on Plaintiffs Olivia Angel
3 and Herman Parker's ("Plaintiffs") Motion for Final Approval of Class Action Settlement,
4 Attorneys' Fees, Costs, and Service Awards ("Motion for Final Approval"). Lawyers for Justice,
5 PC appeared on behalf of Plaintiffs and Littler Mendelson, P.C. appeared on behalf of Defendant
6 Pet Extreme, LLC, formerly Pet Extreme, Inc. ("Defendant").

7 On August 27, 2018, the Court entered an Order Granting Preliminary Approval of Class
8 Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the settlement
9 of the above-entitled action ("Action") in accordance with the Stipulation Re: Settlement of Class
10 and PAGA Action ("Settlement," "Agreement," or "Settlement Agreement"), which, together with
11 the exhibits annexed thereto, set forth the terms and conditions for settlement of the Action.

12 Having reviewed the Settlement Agreement and duly considered the parties' papers and
13 oral argument, and good cause appearing,

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

15 1. All terms used herein shall have the same meaning as defined in the Settlement
16 Agreement and the Preliminary Approval Order.

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

19 3. 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 respect
21 to the Class and the Settlement. The Court hereby makes final its earlier provisional certification
22 of the Class for settlement purposes, as set forth in the Preliminary Approval Order. The Class is
23 hereby defined to include:

24 All current and former hourly-paid or non-exempt individuals employed by
25 Defendant within the State of California at any time during the period from
26 June 23, 2011 to July 5, 2017 ("Class" or "Class Members").

26 4. The Notice of Proposed Class Action Settlement ("Class Notice") and Claim Form
27 (together, "Notice Packet") that were provided to the Class Members, fully and accurately
28 informed the Class Members of all material elements of the Settlement and of their opportunity to

1 participate in, object to or comment thereon, or to seek exclusion from, the Settlement; were the
2 best notice practicable under the circumstances; were valid, due, and sufficient notice to all Class
3 Members; and complied fully with the laws of the State of California, the United States
4 Constitution, due process and other applicable law. The Notice Packet fairly and adequately
5 described the Settlement and provided the Class Members with adequate instructions and a variety
6 of means to obtain additional information.

7 5. Pursuant to California law, the Court hereby grants final approval of the Settlement
8 and finds it reasonable and adequate, and in the best interests of the Class as a whole. More
9 specifically, the Court finds that the Settlement was reached following meaningful discovery and
10 investigation conducted by Class Counsel; that the Settlement is the result of serious, informed,
11 adversarial, and arms-length negotiations between the parties; and that the terms of the Settlement
12 are in all respects fair, adequate, and reasonable. In so finding, the Court has considered all of the
13 evidence presented, including evidence regarding the strength of the Plaintiffs' case; the risk,
14 expense, and complexity of the claims presented; the likely duration of further litigation; the
15 amount offered in the Settlement; the extent of investigation and discovery completed; and the
16 experience and views of Class Counsel. The Court has further considered the absence of objections
17 to the Settlement and that there was only one (1) valid and timely Opt Out Request submitted by
18 a Class Member. Accordingly, the Court hereby directs that the Settlement be affected in
19 accordance with the Settlement Agreement and the following terms and conditions.

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

26 7. The Court finds that Class Member, Martin Alec, has timely and validly opted out
27 of the Settlement and will not be bound by this Final Approval Order and Judgment.

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1 8. It is hereby ordered that Defendant shall transmit the settlement funds to the
2 Settlement Administrator within fifteen (15) calendar days following the Effective Date, in
3 accordance with the Settlement Agreement.

4 9. The Court finds that payment of Settlement Administration Costs in the amount of
5 \$11,196 is appropriate for the services performed and costs incurred and to be incurred for the
6 notice and settlement administration process. It is hereby ordered that the Settlement
7 Administrator, Simpluris, Inc., issue payment to itself in the amount of \$11,196, in accordance
8 with the Settlement Agreement.

9 10. The Court finds that the Service Awards sought are fair and reasonable for the work
10 performed by Plaintiffs on behalf of the Class. It is hereby ordered that the Settlement
11 Administrator issue payments in the amount of \$8,000 to Plaintiff Olivia Angel and \$5,000 to
12 Plaintiff Herman Parker for Service Awards, according to the terms set forth in the Settlement
13 Agreement.

14 11. The Court finds that the allocation of \$15,000 toward penalties under the California
15 Private Attorneys General Act of 2004 ("PAGA Payment"), is fair, reasonable, and appropriate,
16 and hereby approved. The Settlement Administrator shall distribute the PAGA Payment as
17 follows: the amount of \$11,250 to the California Labor and Workforce Development Agency, and
18 the amount of \$3,750 to be part of the Net Settlement Amount, according to the methodology and
19 terms set forth in the Settlement Agreement.

20 12. The Court finds that the request for Attorneys' Fees in the amount of \$350,000 falls
21 within the range of reasonableness, and the results achieved justify the award sought. The
22 requested Attorneys' Fees are fair, reasonable, and appropriate, and are hereby approved. It is
23 hereby ordered that the Settlement Administrator issue payment in the amount of \$350,000 for
24 Attorneys' Fees, in accordance with the Settlement Agreement, as follows: \$280,000 to Lawyers
25 *for Justice, PC* and \$70,000 to Girardi & Keese.

26 13. The Court finds that reimbursement of Litigation Costs/Expenses in the amount of
27 \$29,446.90 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the
28 Settlement Administrator issue payment in the amount of \$29,446.90 for reimbursement of

1 Litigation Costs/Expenses, in accordance with the Settlement Agreement, as follows: \$19,622.20
2 to Lawyers for Justice, PC and \$9,824.70 to Girardi & Keese.

3 14. The Court hereby enters Judgment by which Settlement Class Members shall be
4 conclusively determined to have given a release of any and all Released Claims against the
5 Released Parties, as set forth in the Settlement Agreement and Notice Packet.


6 15. It is hereby ordered that the Settlement Administrator shall distribute Individual
7 Settlement Payments to each Settlement Class Member who submitted a timely and valid Claim
8 Form ("Claimant"), according to the methodology and terms set forth in the Settlement Agreement.

9 16. It is ordered that funds associated with any and all Individual Settlement Payment
10 checks issued to Claimants that are not cashed or deposited within one hundred twenty (120)
11 calendar days after the date they are issued shall be tendered as follows: twenty-five percent (25%)
12 to the California State Treasury for deposit in the Trial Court Improvement and Modernization
13 Fund, and seventy-five percent (75%) to the California State Treasury for deposit into the Equal
14 Access Fund of the Judicial Branch.

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

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

24
25 Dated: DEC - 5 2018


26 HONORABLE DAVID I. BROWN
27 JUDGE OF THE SUPERIOR COURT
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