

AUG 28 2017

Sherri R. Carter, Executive Officer/Clerk

By Kelly Jameson, Deputy

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2 Arby Aiwazian (SBN 269827)  
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8 *Attorneys for Plaintiff and the Class*

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**FOR THE COUNTY OF LOS ANGELES – CENTRAL CIVIL WEST**

DESIRAE RODRIGUEZ; individually, and  
on behalf of other members of the general  
public similarly situated and on behalf of  
other aggrieved employees pursuant to the  
California Private Attorneys General Act,

Plaintiff,

vs.

EPISOURCE LLC, a California limited  
liability company; and DOES 1 through 100,  
inclusive,

Defendants.

Case No. BC594128

Honorable Elihu M. Berle  
Department 323

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

[Plaintiff's Notice of Motion and Motion  
for Final Approval of Class Action  
Settlement, Attorneys' Fees, Costs, and  
Enhancement Payment; Declaration of  
Class Counsel (Edwin Aiwazian);  
Declaration of Class Representative  
(Desirae Rodriguez); and Declaration of  
Settlement Administrator (Cassandra  
Cita) filed concurrently herewith]

Date: August 28, 2017  
Time: 9:00 a.m.  
Dept.: 323

Complaint Filed: September 9, 2015  
Jury Trial: None Set

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Central Civil West

JUL 28 2017

By: M. Aguirre

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1 This matter has come before the Honorable Elihu M. Berle in Department 323 of the  
2 above-entitled Court located at the Central Civil West Courthouse, 600 South Commonwealth  
3 Avenue, Los Angeles, California 90005, on Plaintiff Desirae Rodriguez's ("Plaintiff") Motion  
4 for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, and Enhancement  
5 Payment ("Motion for Final Approval").

6 On April 7, 2017, the Court entered an order granting Plaintiff's Motion for Preliminary  
7 Approval of Class Action Settlement ("Order Granting Preliminary Approval"), and thereby  
8 preliminarily approved the settlement of the above-captioned action ("Action") in accordance  
9 with the Joint Stipulation of Settlement ("Settlement," "Agreement," or "Settlement  
10 Agreement"), which, together with the exhibits annexed thereto, sets forth the terms and  
11 conditions for settlement and dismissal of the Action;

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

13 THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

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

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

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

23 All non-exempt employees of Defendant Episource LLC ("Defendant") in the  
24 State of California during the period from September 9, 2011 up to and including  
25 July 31, 2016.

26 4. The Notice of Proposed Class Action Settlement ("Class Notice") and Opt-Out  
27 Form (collectively, "Notice Packet") 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 object to, comment thereon, or to seek exclusion from the Settlement; was the best notice

1 practicable under the circumstances; was valid, due, and sufficient notice to all Class Members;  
2 and complied fully with the laws of the State of California, the United States Constitution, due  
3 process and other applicable law. The Notice Packet fairly and adequately described the  
4 Settlement and provided Class Members adequate instructions and a variety of means to obtain  
5 additional information.

6 5. Pursuant to California law, the Court hereby grants final approval to the  
7 Settlement and finds it fair, reasonable, and adequate, and in the best interests of the Class as a  
8 whole. More specifically, the Court finds that the Settlement was reached following meaningful  
9 discovery and investigation conducted by Class Counsel; that the Settlement is the result of  
10 serious, informed, adversarial, and arms-length negotiations between the parties; and that the  
11 terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding, the Court  
12 has considered all of the evidence presented, including evidence regarding the strength of the  
13 Plaintiff's case; the risk, expense, and complexity of the claims presented; the likely duration of  
14 further litigation; the amount offered in the Settlement; the extent of investigation and discovery  
15 completed; and the experience and views of Class Counsel. Further, the Court has considered  
16 the absence of any objections to the Settlement by Class Members, as well as the small number  
17 of Class Members who opted out from the Settlement. Accordingly, the Court hereby directs  
18 that the Settlement be affected in accordance with the Settlement Agreement and the terms and  
19 conditions set forth herein.

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

26 7. The Court finds that Class Member, Ritu Rai, has timely and validly opted out  
27 from 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 the Settlement Administrator, Simpluris,  
2 payment to itself in the amount of \$6,500 for the services and costs of admini  
3 Settlement, in accordance with the Settlement Agreement.

4           9.       It is hereby ordered that the Settlement Administrator shall issue the  
5 Payment checks to all Authorized Claimants according to the methodology and terms s  
6 the Settlement Agreement.

7           10.      The Court finds that the Enhancement Payment sought is fair and reasona  
8 the work performed by Plaintiff Desirae Rodriguez on behalf of the Class. It is hereby or  
9 that the Settlement Administrator issue payment of \$5,000 to Plaintiff Desirae Rodriguez f  
10 Enhancement Payment, in accordance with the Settlement Agreement.

11          11.      The Court finds that the allocation of \$18,000 toward penalties unde  
12 California Labor Code's Private Attorney General Act of 2004 ("PAGA Payment"), is  
13 reasonable, and appropriate, and hereby approved. The Settlement Administrator shall distri  
14 the PAGA Payment as follows: the amount of \$13,500 to the California Labor and Work  
15 Development Agency, and the amount of \$4,500 shall remain in the Distributable Amount,  
16 paid to the Authorized Claimants on a *pro rata* basis according to the terms of the Settle  
17 Agreement.

18          12.      The Court finds that Class Counsel's request for attorneys' fees ("Class Cou  
19 Fees") in the amount of \$140,000 falls within the range of reasonableness, and the re  
20 achieved justify the award sought. The requested fees are fair, reasonable, and appropriate,  
21 hereby approved. It is hereby ordered that the Settlement Administrator issue payment in  
22 amount of \$140,000 to Lawyers *for* Justice, PC for Class Counsel Fees, in accordance with  
23 Settlement Agreement.

24          13.      The Court finds that the litigation costs and expenses ("Class Counsel Costs'  
25 the amount of \$12,035.73 incurred by Class Counsel in prosecuting this Action are reasona  
26 and hereby approved. It is hereby ordered that the Settlement Administrator issue payment  
27 Lawyers *for* Justice, PC of \$12,035.73 for Class Counsel Costs.

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1           14.     With this final approval of the Settlement, the Court hereby enters judgment by  
2 which Authorized Claimants shall conclusively be deemed to have given a release, as set forth in  
3 the Settlement Agreement and in the Notice Packet, against the Released Persons, as to the  
4 Released Claims. All such Authorized Claimants shall be permanently enjoined and forever  
5 barred from asserting any Released Claims against the Released Persons.

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

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

15           17. OSC RE COMPLIANCE SET FOR 5/1/18 @ 8:30 AM.  
16           REPORT IS DUE 4/24/18

16 Dated:     AUG 28 2017    

ELIHU M. BERLE

HONORABLE ELIHU M. BERLE  
JUDGE OF THE SUPERIOR COURT