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6 Attorneys for Plaintiffs
7 ALEX LORRE & GIOVANNI DUMANI,
8 individually and on behalf of all other persons
9 similarly situated, and on behalf of the general
10 public

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES
14

12 ALEX LORRE, individually and on behalf of
13 all other persons similarly situated, and on
14 behalf of the general public,

15 Plaintiff,

16 v.

17 VIRGIN AMERICA INC., a Delaware
18 corporation; and DOES 1 through 50,
19 inclusive,

20 Defendants.

Case No. BC554740

Assigned to the Hon. Elihu M. Berle
Dept. 323 – Central Civil West

**NOTICE OF 1) ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES,
COSTS, AND CLASS REPRESENTATIVE
ENHANCEMENT PAYMENTS; 2)
JUDGMENT ENTERED; AND 3) OSC RE:
COMPLIANCE WITH SETTLEMENT**

Complaint Filed: August 14, 2014

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**NOTICE OF 1) ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT, ATTORNEYS'
FEES, COSTS, AND CLASS REPRESENTATIVE ENHANCEMENT PAYMENTS; 2) JUDGMENT ENTERED;
AND 3) OSC RE: COMPLIANCE WITH SETTLEMENT**

1 TO ALL PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on May 15, 2017, at 10:00 a.m., a hearing on Plaintiffs'
3 Unopposed Motion For Final Approval of Class Action Settlement and Plaintiffs' Unopposed
4 Motion for Attorneys' Fees, Costs, and Class Representative Enhancement Payments was held in
5 the above-referenced matter before the Honorable Elihu M. Berle, Judge presiding in Department
6 323. Andrew J. Malatesta, Esq. appeared on behalf of Plaintiffs ALEX LORRE and GIOVANNI
7 DUMANI. Paul Berkowitz, Esq. appeared on behalf of Defendant VIRGIN AMERICA INC.

8 At the hearing, the Court:

- 9 1. Issued an Order granting final approval of the class action settlement, attorneys'
10 fees, costs, and class representative enhancement payments and entered a Judgment
11 based thereon. A true and correct copy of the Court's Order is attached hereto as
12 Exhibit "A." A true and correct copy of the Judgment that was entered is attached
13 hereto as Exhibit "B."
- 14 2. Set an OSC Re: Compliance with Settlement for February 21, 2018 at 8:30 a.m. in
15 the above-entitled Court. A report regarding compliance with the settlement is due
16 on February 14, 2018.

17 Dated: May 15, 2017

BERENJI LAW FIRM

18
19 By



SHADIE L. BERENJI
ANDREW J. MALATESTA
Attorneys for Plaintiffs
ALEX LORRE & GIOVANNI DUMANI,
individually and on behalf of all other
persons similarly situated, and on behalf of
the general public

EXHIBIT “A”

1 SHADIE L. BERENJI (SBN 235021)
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9 persons similarly situated and the
10 general public

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF LOS ANGELES

12 ALEX LORRE, individually and on behalf of
13 all other persons similarly situated, and on
14 behalf of the general public,

14 Plaintiff,

15 v.

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17 corporation, and DOES 1 through 50,
18 inclusive,

18 Defendants.

Case No. BC554740

Assigned to the Hon. Elihu M. Berle
Dept. 323 – Central Civil West

**[PROPOSED] ORDER GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES,
COSTS, AND CLASS REPRESENTATIVE
ENHANCEMENT PAYMENTS**

Hearing Date: May 15, 2017

Time: 10:00 a.m.

Dept.: 323 RECEIVED
Central Civil West

MAR 07 2017

Date Processed

By: [Signature]

FILED
Superior Court of California
County of Los Angeles

MAY 15 2017

Sherrri R. Carter, Executive Officer/Clerk

CONFORMED COPY
ORIGINAL FILED Kelly Jameson
Superior Court of California
County of Los Angeles

MAY 15 2017

Sherrri R. Carter, Executive Officer/Clerk

By: [Signature], Deputy
Kelly Jameson

[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT, ATTORNEYS' FEES, COSTS, AND CLASS REPRESENTATIVE ENHANCEMENT PAYMENTS

1 Plaintiffs ALEX LORRE and GIOVANNI DUMANI'S (collectively "Plaintiffs")
2 Motion for Final Approval of Class Action Settlement and Motion for Attorneys' Fees, Costs,
3 and Class Representative Enhancement Payments, came on for hearing on May 15, 2017 at
4 10:00 a.m. in Department 323 of the above-captioned court, the Honorable Elihu M. Berle,
5 presiding. Shadie L. Berenji of the Berenji Law Firm, APC appeared on behalf of Plaintiffs
6 and the Settlement Class. Paul Berkowitz of Sheppard, Mullin, Richter & Hampton LLP
7 appeared on behalf of Defendant VIRGIN AMERICA, INC. ("Defendant").

8 The Court having considered Plaintiffs' Motion for Final Approval of Class Action
9 Settlement and Motion for Attorneys' Fees, Costs, and Class Representative Enhancement
10 Payments that requests: (1) certification of the class for settlement purposes, (2) final approval
11 of the class action settlement embodied in the Joint Stipulation of Class Settlement and Release
12 ("Stipulation of Settlement") between Plaintiffs and Defendant, (3) confirmation of Plaintiffs as
13 Class Representatives and enhancement awards, (4) approval of the California Private
14 Attorneys General Act ("PAGA") penalty payment to the California Labor and Workforce
15 Development Agency ("LWDA"), (5) approval of Class Counsel's application for attorneys'
16 fees and litigation costs, and (6) entry of judgment approving the class action settlement; oral
17 arguments of counsel; as well as the entire record in this case, and good cause appearing,
18 hereby ORDERS, ADJUDGES AND DECREES as follows:

19 1. The Court hereby GRANTS full and final approval of the terms and conditions
20 contained in the Stipulation of Settlement between Plaintiffs and Defendant and the Stipulation
21 of Settlement is hereby fully and finally approved and shall be carried out and effectuated
22 according to its terms and this order.

23 2. This Order incorporates by reference the definitions in the Stipulation of
24 Settlement and all terms defined therein shall have the same meaning in this Order.

25 3. The Court finds that the Stipulation of Settlement and the terms and conditions
26 set forth therein are fair, reasonable, and adequate and in the best interest of the Settlement
27 Class (defined below). The Court further finds that the Class Members who have not opted out
28

1 shall be bound by this settlement, including the Release of Claims, and the Court concludes that
2 this settlement should be, and is, hereby finally approved.

3 4. For purposes of this settlement only, the Settlement Class is defined as:

4 All maintenance technicians who worked in California at any time
5 during the period of August 14, 2010 to July 1, 2016 but excluding
6 all individuals who were hired after August 1, 2015 who were on
7 Defendant's payroll for three weeks or less.

8 Members of the Settlement Class are referred to as "Class Members."

9 5. The Court finds that notice was given to Class Members of the terms of the
10 settlement and properly advised the Class Members of the final approval hearing, and that no
11 valid objections to the settlement have been made. The Court further finds that the Notice
12 Packet, given by first-class mail, was the best notice under the circumstances and satisfies the
13 requirements of due process under California Code of Civil Procedure section 382 and
14 applicable law.

15 6. Upon the Settlement Date (as that term is defined in the Stipulation of
16 Settlement), Plaintiffs and Class Members have settled and released the Releasees (as defined
17 in the Stipulation of Settlement) of the Released Claims (as stated in the Stipulation of
18 Settlement).

19 7. Plaintiffs, Class Members, and Defendant shall consummate the settlement in
20 accordance with the terms of the Stipulation of Settlement. Except as expressly provided in the
21 Stipulation of Settlement, the Releasees shall not have any further liability arising from this
22 action for costs, expenses, interest, attorneys' fees, or for any other charge, expense, or liability.

23 8. The Court confirms the appointment of the Class Representatives and their
24 attorney of records, Shadie L. Berenji, Esq. of Berenji Law Firm, APC, to act on behalf of the
25 Settlement Class in connection with the settlement.

26 9. The Court hereby finds that Three Hundred Thirty-Three Thousand Three
27 Hundred Thirty-Three Dollars and Thirty Three Cents (\$333,333.33) in the amount of
28 reasonable attorneys' fees and Nine Thousand Five Hundred Thirteen Dollars and Thirty Cents

1 (\$9,513.30) is the amount of reasonable costs that should be paid to Class Counsel for all work
2 done in and to be done until the completion of this litigation, and as reimbursement for
3 reasonable fees and costs incurred in prosecuting this action, and hereby authorizes payment of
4 the said amounts from the Gross Fund Value in accordance with the Stipulation of Settlement.

5 10. Defendant is hereby ordered to pay the settlement awards to the Class
6 Representatives and Settlement Class Members, the Class Representative Enhancement awards,
7 and the PAGA penalty payment to the LWDA and the Class Members in accordance with the
8 terms of the stipulation of settlement.

9 11. The Court retains continuing jurisdiction as to all matters relating to the
10 administration and consummation of the settlement as provided in the Stipulation of Settlement
11 and all other matters covered in this Order and the final judgment to be entered in this matter.

12 12. Nothing in this Order shall preclude any action to enforce Defendant's
13 obligations under the Stipulation of Settlement, including the requirement that it make
14 payments to the Settlement Class in accordance with the terms of the Stipulation of Settlement.

15 13. Upon entry of this Order, a final judgment shall be filed and entered herein and,
16 except as otherwise provided in the Stipulation of Settlement, Plaintiffs, the Settlement Class,
17 and Class Counsel shall bear their own attorneys' fees, costs, and expenses incurred by them in
18 or arising out of the lawsuit (as defined in the Stipulation of Settlement) and shall not seek
19 reimbursement thereof from the Releasees.

20 14. The Parties' Stipulation of Settlement shall not constitute admissions of liability
21 or fault by Defendant or Releasees, or a finding as to the validity of any claims in the lawsuit or
22 of any wrongdoing or violation of law by Releasees. The Stipulation of Settlement and the
23 settlement contemplated by the Stipulation of Settlement are not a concession by the Parties
24 and, to the extent permitted by law, neither this Order, the Final Judgment, nor any of their
25 terms or provisions, nor any of the negotiations or proceedings connected with them, shall be
26 offered as evidence or received in evidence in any pending or future civil, criminal, or
27 administrative action or proceeding to establish any liability of, or admission by the Releasees.
28 Notwithstanding the foregoing, nothing in this Order or the final judgment shall be interpreted

W
of
\$10,000

COURT AWARDS: Simpluris \$11,404.00 for admin. expenses.
of \$7,500 to LORRE and \$5,000 to DUMANI
^ of \$7,500 ^ \$2,500 to

1 as prohibiting the use of this Order or the final judgment in a proceeding to consummate or
2 enforce the Stipulation of Settlement or this Order or the final judgment to defend against the
3 assertion of claims in any other proceeding, or as otherwise required by law.

4 15. In the event that the settlement does not become effective in accordance with the
5 terms of the Stipulation of Settlement, then this Order shall be rendered null and void to the
6 extent provided by and in accordance with the Stipulation of Settlement and shall be vacated.

7 *16. OSC re: COMPLIANCE w/ SETTLEMENT set for 2/21/18*
8 **IT IS SO ORDERED.** *at 8:30 AM. Report is due 2/14/18.*

9 Dated: MAY 15 2017

ELIHU M. BERLE

Honorable Elihu M. Berle

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EXHIBIT “B”

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

MAY 15 2017

Sherri R. Carter, Executive Officer/Clerk
By *[Signature]*, Deputy
Kelly Jameson

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Case No. BC554740

Assigned to the Hon. Elihu M. Berle
Dept. 323 -- Central Civil West

[PROPOSED] JUDGMENT

RECEIVED
Central Civil West

MAR 07 2017

21 Date Processed _____
22 By: *[Signature]*

28 [PROPOSED] JUDGMENT

1 This Court, having granted final approval of the Joint Stipulation of Class Settlement
2 and Release between Plaintiffs ALEX LORRE and GIOVANNI DUMANI and Defendant
3 VIRGIN AMERICA, INC. (collectively the "Parties") in the above-entitled action, as set forth
4 in the Court's Order Granting Final Approval of Class Action Settlement ("Final Approval
5 Order");

6 This Court HEREBY ORDERS, ADJUDGES AND DECREES that Judgment in this
7 matter is entered in accordance with the Court's Final Approval Order and the Parties' Joint
8 Stipulation of Class Settlement and Release.

9
10 Dated: MAY 15 2017

ELIHU M. BERLE

HON. ELIHU M. BERLE

