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

LOZARO BOR, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

ALEXANDER ANDREW, INC. dba
FALLTECH., a California corporation; and
DOES 1 through 100,

Defendants.

Case No.: 19STCV26589

*[Assigned for All Purposes to Hon. William F.
Highberger, SSC-10]*

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, CLASS
REPRESENTATIVE'S ENHANCEMENT
PAYMENT, AND ATTORNEYS' FEES AND
COSTS**

Date: November 4, 2020
Time: 11:00 a.m.
Dept.: SSC-10

Complaint Filed: July 31, 2019
Trial Date: None Set

1 This matter came on regularly for hearing before this Court on November 4, 2020,
2 pursuant to California Rule of Court 3.769 and this Court's July 6, 2020 Order Granting
3 Preliminary Approval of Class Action Settlement ("Preliminary Approval Order"). Having
4 considered the parties' Stipulation of Settlement of Class and Representative Action and Joint
5 Stipulation Re Parties' Stipulation and Settlement of Class and Representation Action
6 (collectively referred to hereinafter as "Settlement" or "Settlement Agreement")¹ and the
7 documents and evidence presented in support thereof, and recognizing the sharply disputed
8 factual and legal issues involved in this case, the risks of further prosecution and the substantial
9 benefits to be received by the Settlement Class pursuant to the Settlement, the Court hereby
10 makes a final ruling that the proposed Settlement is fair, reasonable, and adequate, and is the
11 product of good faith, arm's-length negotiations between the parties. Good cause appearing
12 therefor, the Court hereby GRANTS Plaintiff's Motion for Final Approval of Class Action
13 Settlement and ORDERS as follows:

14 1. The conditional class certification contained in the Preliminary Approval Order is
15 hereby made final, and the Court thus certifies, for purposes of the Settlement only, a Settlement
16 Class consisting of:

17 All current and former non-exempt employees employed by Defendant
18 Alexander Andrew, Inc. dba FallTech in the State of California during the
19 period of July 31, 2015 through June 26, 2020.

20 2. Plaintiff Lazaro Bor is hereby confirmed as Class Representative, and Scott M.
21 Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC and Paul K. Haines of
22 Haines Law Group, APC are hereby confirmed as Class Counsel.

23 3. Notice was provided to the Settlement Class as set forth in the Settlement. The
24 form and manner of notice were approved by the Court on July 6, 2020, and the notice process
25 has been completed in conformity with the Court's Order. The Court finds that said notice was
26 the best notice practicable under the circumstances. The Legal Notice provided due and adequate

27 ¹ Unless otherwise indicated, all terms used in this Order shall have the same meaning as that
28 assigned to them in the Settlement.

notice of the proceedings and matters set forth therein, informed Settlement Class members of their rights, and fully satisfied the requirements of California Code of Civil Procedure § 1781(e), California Rule of Court 3.769, and due process.

4. The Court finds that no Settlement Class member objected to the Settlement, only one (1) Settlement class member has opted out of the Settlement, and that the 99.63% participation rate in the Settlement supports final approval. The name of the valid opt out is Daniel F. Marengo.

5. The Court hereby approves the settlement as set forth in the Settlement Agreement as fair, reasonable, and adequate, and directs the parties to effectuate the Settlement Agreement according to its terms.

6. For purposes of settlement only, the Court finds that (a) the members of the Settlement Class are ascertainable and so numerous that joinder of all members is impracticable; (b) there are questions of law or fact common to the Settlement Class, and there is a well-defined community of interest among members of the Settlement Class with respect to the subject matter of the litigation; (c) the claims of the Class Representative are typical of the claims of the members of the Settlement Class; (d) the Class Representative has fairly and adequately protected the interests of the Settlement Class members; (e) a class action is superior to other available methods for an efficient adjudication of this controversy; and (f) Class Counsel are qualified to serve as counsel for the Class Representatives and the Settlement Class.

7. The Court finds that given the absence of objections to the Settlement, and objections being a prerequisite to appeal, that this Order shall be considered final as of the date of notice of entry.

8. The Court orders that Alexander Andrew, Inc. dba FallTech deliver the Class Settlement Amount of \$650,000.00 to CPT Group, Inc., the Settlement Administrator, as provided for in the Settlement.

9. The Court finds that the settlement payments, as provided for in the Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to distribute the individual payments in conformity with the terms of the Settlement.

10. The Court finds that an enhancement payment in the amount of \$5,000.00 for Plaintiff Lazaro Bor is appropriate for his risks undertaken and service to the Settlement Class. The Court finds that this award is fair, reasonable, and adequate, and orders that the Settlement Administrator make this payment in conformity with the terms of the Settlement.

11. The Court finds that attorneys' fees in the amount of \$216,666.67, and actual litigation costs of \$20,369.69 for Class Counsel, are fair, reasonable, and adequate, and orders that the Settlement Administrator distribute these payments to Class Counsel in conformity with the terms of the Settlement.

12. The Court orders that the Settlement Administrator shall be paid \$12,500.00 from the Maximum Settlement Amount for all of its work done and to be done until the completion of this matter, and finds that sum appropriate.

13. The Court finds that the payment to the California Labor & Workforce Development Agency (“LWDA”) in the amount of \$15,000.00 for its share of the settlement of Plaintiff’s representative action under the California Labor Code Private Attorneys General Act (“PAGA”) is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute this payment to the LWDA in conformity with the terms of the Settlement.

14. Pursuant to the terms of the Settlement, the employer's share of payroll taxes for the portion of the Net Settlement Amount allocated to wages shall be paid by Alexander Andrew, Inc. dba FallTech separately, and in addition to, the Class Settlement Amount.

15. The Court finds and determines that upon satisfaction of all obligations under the Settlement and this Order, all Settlement Class members, Daniel F. Marengo, will be bound by the Settlement, will have released the Released Claims as set forth in the Settlement, and will be permanently barred from prosecuting against Defendant any of the Released Claims pursuant to the Settlement.

1 16. The Settlement is not an admission by Defendant nor is this Order a finding of
2 the validity of any allegations or of any wrongdoing by Defendant. Neither this Order, the
3 Settlement, nor any document referred to herein, nor any action taken to carry out the Settlement,
4 shall be construed or deemed an admission of liability, culpability, or wrongdoing on the part of
5 Defendant.

6 18. The Court will retain jurisdiction to enforce the Settlement, this Final Approval
7 Order, and the Judgment entered in connection with the Settlement.

8 19. The Settlement Administrator shall file a declaration regarding the disbursement
9 of Settlement funds on or before June 30, 2021.

10 **IT IS SO ORDERED.**

11
12 Dated: _____, 2020

Honorable William F. Highberger
Judge of the Superior Court