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6 Attorneys for Defendant
Antonini Bros., Inc.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN JOAQUIN**

10 CASE NO. STK-CV-UOE-2020-0000823

11 SAUL TAMAYO DIAZ, an individual, on
12 behalf of himself and all other similarly
situated,

13 Plaintiff,

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANT'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

14 vs.

15 ANTONINI BROS., a California
16 corporation; and DOES 1 through 100,

17 Defendants.

18
19 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

20 NOTICE IS HEREBY GIVEN THAT on September 8, 2021, the Court entered an Order
21 Granting Defendant's Motion for Final Approval of Class Action Settlement in the above-
22 referenced matter, a true and correct copy of which is attached hereto as **Exhibit A**.

23 Dated: September 9, 2021

KROLOFF, BELCHER, SMART,
PERRY & CHRISTOPHERSON
A Professional Law Corporation

24
25
26 By: 

JAMIE M. BOSSUAT
Attorneys for Defendant Antonini Bros., Inc.

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Antonini Bros., Inc.

Filed SEP 08 2021
BRANDON E. RILEY, CLERK
By *afiechty*
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN JOAQUIN

SAUL TAMAYO DIAZ, an individual, on behalf
of himself and all others similarly situated,

CASE NO. STK-CV-UOE-2020-0000823

Plaintiff,

~~PROPOSED~~ ORDER GRANTING
DEFENDANT'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT

vs.

ANTONINI BROS., INC., a California
corporation; and DOES 1 through 100,

Date: September 8, 2021
Time: 9:00 a.m.
Dept.: 10A
Judge: Hon. George J. Adballah, Jr.

Defendants.

On September 8, 2021 this court heard Defendant's unopposed Motion for Final Approval of Class Action Settlement. This Court reviewed the Motion, including the Joint Stipulation of Class Action Settlement and Release ("Settlement Agreement"). Based on this review and the finding below, the Court finds good cause to grant the Motion.

IT IS HEREBY ORDERED as follows:

1. The proposed Settlement of this action, as embodied in the terms of the Settlement Agreement submitted in support of Defendant's Motion for Final Approval of Joint Stipulation of Class Settlement, is hereby approved as a fair, reasonable, and adequate settlement of this case in the best interests of the Settlement Class, in light of the factual, legal, practical, and procedural considerations raised by this case and is in full compliance with the laws of the State of California, the California Code

[PROPOSED] ORDER GRANTING DEFENDANT'S MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT

1 of Civil Procedure, to the extent applicable, the California Constitution, and the requirements of due
2 process. The Settlement Agreement is incorporated by reference into this Order and is hereby adopted
3 as an Order of this Court.

4 2. The Court finds that certification of the Settlement Class solely for purposes of
5 Settlement is appropriate in that: (a) the Settlement Class Members are so numerous that joinder of all
6 Settlement Class Members is impracticable; (b) there are questions of law and fact common to the
7 Settlement Class which predominate over any individual questions; (c) claims of the Plaintiff are typical
8 of the claims of the Settlement Class; (d) Plaintiff and class counsel have fairly and adequately
9 represented and protected the interests of the Settlement Class; and (e) a class action is superior to
10 other available methods for the fair and efficient adjudication of the controversy.

11 3. The Court hereby appoints Saul Tamayo Diaz as the Representative of the Class and
12 finds that such appointment is in full compliance with the laws of the State of California, the California
13 Code of Civil Procedure, to the extent applicable, the California Constitution, and the requirements of
14 due process.

15 4. The Court appoints the following lawyer as counsel to the Settlement Class, and finds
16 that counsel meets the requirements of the Laws of the State of California, the California Code of Civil
17 Procedure, to the extent applicable, the California Constitution, and the requirements of due process:

18 Daniel J. Brown
19 STANSBURY BROWN LAW
20 2610 ½ Abbot Kinney Blvd.
21 Venice, CA 90291
Tel: (323) 207-5925

22 5. The Parties have executed the Notice Plan incorporated by reference into the
23 Preliminary Approval Order. Having found that the Parties and their counsel took extensive efforts to
24 locate and inform all members of the Class of the Settlement, and given that no Members have filed
25 any objections to the settlement, the Court finds and orders that no additional notice is necessary.

26 6. As of the date of entry of this Final Order, and associated Final Judgment dismissing
27 the Action in its entirety with prejudice, Plaintiff and all Class Members hereby do and shall be deemed
28 to have fully, finally, and forever released, settled, compromised, relinquished and discharged any and

1 all of the Released Parties (as defined in the Agreement) of and from any and all Released Claims (as
2 defined in the Agreement).

3 7. Defendant shall deposit the Class Settlement Amount of \$387,500.00 with the
4 Settlement Administrator within fifteen (15) calendar days of the entry of this Final Order.

5 8. The distribution of Settlement Payments shall occur not later than 20 calendar days
6 after Defendant deposits the funds to the Settlement Administrator. The Settlement Administrator shall
7 effect the distribution of Settlement Payments by placing or causing to be placed in the mail (via
8 check), the Settlement Payments for all Class Members. No person shall have any claim against
9 Defendant, Class Counsel, Defendant's counsel, or any other agent designated by Plaintiff or
10 Defendant based upon the distribution of Settlement Payments made substantially in accordance with
11 this Agreement or further orders of the Court.

12 9. The Court approves as fair and reasonable an award of Class Counsel's Fees in the
13 amount of \$129,153.75. All claimed costs of \$5,336.35 are awarded. The total of fees and costs is
14 \$134,490.10.

15 10. The Court approves as fair and reasonable an award of Settlement Administrator's
16 costs in the amount of \$15,000.00.

17 11. The Court approves as fair and reasonable an Enhancement Award in the amount of
18 \$5,000.00 to Saul Tamayo Diaz.

19 12. The distribution of Class Counsel's Fees and Costs and the Enhancement Award shall
20 occur no later than 20 calendar days after Defendant deposits the funds to the Settlement
21 Administrator. Upon such payment, Defendant, the Released Parties, and Defendant's counsel shall
22 have no further liability or responsibility to Class Counsel, Plaintiff, or any Class Member.

23 IT IS SO ORDERED.

24
25 Dated: September 8, 2021


HONORABLE JUDGE OF THE SUPERIOR COURT

26
27 **GEORGE J. ABDALLAH, JR**
28

1 **PROOF OF SERVICE**

2 I am employed in the County of San Joaquin, State of California. I am over the age of 18
3 and not a party to the within action; my business address is 7540 Shoreline Drive,
4 Stockton, California 95219.

5 On September 9, 2021, I served the following:

6 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION FOR FINAL**
7 **APPROVAL OF CLASS ACTION SETTLEMENT**

- 8 ☐ by placing ☐ the original ☐ a true copy thereof in sealed envelope(s), addressed as
9 stated below, following my firm's ordinary business practices. I am readily familiar with
10 my firm's practices for collecting and processing correspondence for mailing. On the
11 same business day the correspondence is placed for collection and mailing, it is
12 deposited in the ordinary course of business with the U.S. Postal Service, postage fully
13 prepaid.
- 14 ☐ by placing ☐ the original ☐ a true copy thereof in sealed envelope(s), addressed as
15 stated below, and depositing such envelope(s) with the U.S. Postal Service, postage
16 fully prepaid.
- 17 ☐ by causing a true copy thereof to be delivered via facsimile to the fax machine
18 telephone number of the addressee(s) as stated below. The facsimile was transmitted
19 at approximately _____m. from fax machine telephone number (209)478-
20 0354 (reception)/(209)956-7324 (W. Wing copy machine). The facsimile transmission
21 was reported as complete and without error by a transmission report properly issued by
22 the sending fax machine. A true and correct copy of said transmission report is
23 attached hereto.
- 24 ☐ by causing a true copy thereof to be placed in a sealed express envelope or package,
25 addressed as stated below, and placed in a box or facility regularly maintained by the
26 express service carrier or delivered to an authorized courier or driver authorized by the
27 express service carrier to receive documents, with delivery fees fully prepaid.
- 28 ☒ by causing a true copy thereof to be delivered via e-mail or electronic transmission to
the electronic notification addresses stated below. The e-mail or electronic
transmission was sent from jbossuat@kroloff.com. The transmission was reported as
complete and without error.

Daniel J. Brown
Stansbury Brown Law
2610 1/2 Abbot Kinney Blvd.
Venice, CA 90291
dbrown@stansburybrownlaw.com

I declare under penalty of perjury under the laws of the State of California that the
above is true and correct.

Executed on September 9, 2021, at Stockton, California.


JAMIE M. BOSSUAT