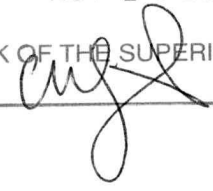


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CLERK OF THE SUPERIOR COURT

By  Deputy

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF ALAMEDA

12 UNLIMITED JURISDICTION

13 DUANE EAGLES, an individual,

14 Plaintiff,

15 v.

16 PENTAGON TECHNOLOGIES GROUP,
17 INC., a Delaware corporation; and DOES 1-
25, inclusive,

18 Defendants.

19
20 PIERRE NELMS, individually, and on behalf of
21 other members of the general public similarly
22 situated,

23 Plaintiff,

24 vs.

25 PENTAGON TECHNOLOGIES GROUP, INC.,
26 a Delaware corporation; and DOES 1 through 10,
27 inclusive,

28 Defendants.

Case No. RG19046330

[consolidated with RG20049935]

[Assigned for all purposes to Judge Evilio
Grillo, Department 21]

Reservation No.: R-2280582

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR FINAL APPROVAL OF
CLASS ACTION AND PAGA
SETTLEMENT AND MOTION FOR
ATTORNEYS' FEES, COSTS AND
EXPENSES, AND CLASS
REPRESENTATIVE ENHANCEMENT
PAYMENTS**

Date: November 5, 2021

Time: 10:00 a.m.

Dept.: 21

Trial Date: Not Set

Complaint Filed: December 10, 2019

OCT 14 2021

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Attorneys for Plaintiff
PIERRE NELMS

1 Plaintiffs' Motion for Final Approval of Class Action Settlement and Motion for
2 Attorneys' Fees, Costs and Expenses, and Class Representative Enhancement Payments came on
3 for hearing on November 5, 2021 at 10:00 a.m. in Department 21 of Superior Court in and for the
4 County of Alameda, the Hon. Evilio Grillo presiding. Defendant Pentagon Technologies Group,
5 Inc. filed a statement of non-opposition to this motion for final approval. The parties' appearances
6 are as stated in the record. No objections were filed, and no persons appeared at the final approval
7 hearing to object.

8 The Court has considered the moving papers, the Joint Stipulation of Class Action and
9 PAGA Settlement and Release, and all other papers filed in this action. The matter having been
10 submitted and good cause appearing therefor,

11 **IT IS HEREBY ORDERED THAT:**

12 1. All defined terms contained herein shall have the same meanings as set forth in the
13 Joint Stipulation of Class Action and PAGA Settlement and Release executed by the Parties and
14 filed with this Court (the "Settlement");

15 2. The Court has jurisdiction over the subject matter of this litigation, Plaintiffs, the
16 Settlement Class Members, and Defendant.

17 3. The Court finds the Notice of Class Action and PAGA Settlement and Final
18 Approval Hearing ("Class Notice") that was distributed to the Class in substantial compliance with
19 the Preliminary Approval Order satisfies the requirements of Due Process, California Rule of
20 Court 3.769(f), and any other applicable law, and is the best notice practicable under the
21 circumstances.

22 4. The Court certifies a Settlement Class, consistent with the definition in the
23 Settlement, for final judgment in this order:

24 All persons who worked for Defendant as non-exempt, hourly paid
25 employees in California from February 25, 2017 to July 9, 2021.
26 ("Settlement Class" or "Settlement Class Members").

27 The Court finds that only one individual requested exclusion from the Settlement Class.

28 5. The Court finds that this action may be maintained as a class action on behalf of the
Settlement Class for purposes of effectuating the Final Settlement.

1 6. The Court finds that Plaintiffs and Class Counsel have fairly and adequately
2 represented the interests of the Settlement Class, and that Class Counsel has acted adequately as
3 counsel for the Settlement Class.

4 7. The Court appoints Plaintiffs Duane Eagles and Pierre Nelms as Class
5 Representatives.

6 8. The Court appoints Aiman-Smith & Marcy, P.C. and Capstone Law APC as Class
7 Counsel.

8 9. The Court has approved CPT Group, Inc. as the Settlement Administrator.

9 10. The Court finds that there were no objections to the Settlement.

10 11. The Court finds that the Settlement is fair, reasonable, and adequate, and that
11 Plaintiffs have satisfied the requirements for final approval of this class action settlement. The
12 parties are directed to effectuate the Settlement according to its terms and this order. Plaintiffs and
13 each Settlement Class Member shall be bound by the Settlement.

14 12. The Court approves settlement of claims under the Private Attorneys General Act
15 of 2004, California Labor Code section 2698, *et seq.*, in the amount of \$50,000, of which seventy-
16 five percent (75%), or \$37,500, will be paid to the California Labor and Workforce Development
17 Agency and twenty-five percent (25%), or \$12,500, will be part of the Net Settlement Amount for
18 distribution to the Settlement Class Members.

19 13. The Court orders that the parties shall collect and distribute the Maximum
20 Settlement Amount according to the terms of the Settlement.

21 14. The Court orders that the parties shall file a report of the total amount of the
22 settlement fund that was actually paid to the Class Members, and the amount remaining in the
23 settlement fund, within 10 business days after completion of the final distribution. The report shall
24 be supported by an admissible declaration.

25 15. The Court hereby awards ~~\$33,333~~ ^{330,592.50} in attorneys' fees and \$26,603.51 in costs and
26 expenses to Aiman-Smith & Marcy, P.C. and Capstone Law APC. The Court finds that the
27 requested award of attorneys' fees is reasonable for a contingency fee in a class action such.
28 Counsel have also established the reasonableness of the requested award of attorneys' fees via

1 their lodestar crosscheck, and the Court finds that the rates, hours billed, and risk multiplier are
2 fair and reasonable. The Court also finds that the requested costs were reasonably incurred. Class
3 Counsel will divide the award of attorneys' fees and costs as follows: (i) \$183,333.15 in attorneys'
4 fees and \$9,752.99 in costs to Aiman-Smith & Marcy, P.C. and (ii) \$149,999.85 in attorneys' fees
5 and \$16,850.52 in costs to Capstone Law APC.

6 16. The Court hereby awards Class Representative Enhancement Payments of \$10,000,
7 each, to Duane Eagles and Pierre Nelms for their service on behalf of the Settlement Class, and for
8 agreeing to general releases of all claims arising out of their employment with Defendants.

9 17. The Court orders that Plaintiffs' request for payment of \$12,500 for the costs of
10 settlement administration by CPT Group, Inc. is GRANTED.

11 18. The total amount that will be payable to all class members if all participating class
12 members are paid the amount to which they are entitled pursuant to the judgment is at least
13 \$668,642.00.

14 19. Pursuant to the Final Settlement, Code of Civil Procedure section 664.6, and
15 California Rule of Court 3.769(h), the Court retains jurisdiction over the parties to enforce and
16 interpret the terms and conditions of the Final Settlement.

17 **IT IS SO ORDERED.**

18
19 DATED:

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21 NOV 18 2021

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Hon. Evilio Grillo