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13 *Attorneys for Plaintiff, BLEND A LONG, all*
14 *those similarly situated, and all Aggrieved*
15 *Employees*

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

13 BLEND A LONG, individually, and on
14 behalf of those similarly situated, and all
15 Aggrieved Employees

16 Plaintiff,

17 vs.

18 HMC GROUP, a California corporation
19 doing business as HMC ARCHITECTS and
20 DOES 1 through 100, inclusive,
21 Defendants.

Case No.: CIVDS2004962

*[Assigned to Hon. David Cohn
Department S26]*

**[PROPOSED] ORDER GRANTING FINAL
APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Date: August 25, 2021

Time: 10:00 a.m.

Dept.: S26

Judge: Hon. David Cohn

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EX-102

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**[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS AND
REPRESENTATIVE ACTION SETTLEMENT**

1 **[PROPOSED] ORDER**

2 Plaintiff's Motion for Final Approval of Class and Representative Action Settlement
3 came before this Court, Hon. David Cohn presiding, for hearing on August 25, 2021. The
4 Court, having reviewed and considered the Motion, its accompanying memoranda, exhibits
5 submitted in support thereof, and having heard any argument regarding the Motion, and the file
6 in the action, finds that the Motion should be, and hereby is, GRANTED in accordance with the
7 terms of this Final Approval Order. The Court finds and concludes as follows:

8 **FINAL APPROVAL OF SETTLEMENT AGREEMENT**

9 1. The Court finds that the proposed Settlement Stipulation—including the non-
10 reversionary gross settlement amount of \$670,000.00, is fundamentally fair and adequate, and
11 falls within the "range of reasonableness" and therefore grants final approval of the settlement
12 based upon the terms set forth in the Settlement Stipulation filed by Plaintiff.

13 2. Based on a review of the papers submitted by Plaintiff, the Court finds that the
14 Settlement is the result of extensive, arm's-length negotiations with Defendant conducted after
15 Plaintiff's Counsel had adequately investigated the claims and become familiar with the
16 strengths and weaknesses of those claims. Moreover, the Parties' mediation with the assistance
17 of an experienced employment and class action/PAGA mediator further indicates that the
18 settlement is reasonable and not collusive.

19 3. The Court finds that the class notice process, including the content and process
20 for the distribution of the Class Notice, and opportunity for Settlement Members to exclude
21 themselves from the settlement, to dispute their workweek information provided by Defendant,
22 and to object to the terms of the settlement, to be fair, reasonable, and consistent with the
23 requirements of due process.

24 **CLASS CERTIFICATION**

25 4. Pursuant to section 382 of the Code of Civil Procedure, in light of the Settlement
26 Stipulation, the Court hereby finds that the prerequisites for conditional certification of a
27 settlement class have been met and certifies the following class for settlement purposes only
28 (the "Settlement Class"):

1 **All current and former hourly or non-exempt employees who worked for HMC**
2 **GROUP DBA HMC ARCHITECTS within the State of California at any time**
3 **from February 18, 2016 through to the date of Preliminary Approval (the**
4 **"Class Period").**

5 5. Solely for purposes of Settlement, the Court finds that the certification of the
6 Settlement Class is warranted under the Code of Civil Procedure, section 382, because: (a) the
7 proposed Class is ascertainable and so numerous that joinder of all members of the class is
8 impracticable; (b) there are predominant questions of law or fact common to the proposed
9 Settlement Class, and there is a well-defined community of interest among members of the
10 proposed Settlement Class with respect to the subject matter of the action; (c) the claims of
11 Plaintiff and Class Representative Blenda Long ("Class Representative") are typical of the
12 claims of the members of the proposed Settlement Class; (d) a class action is superior to other
13 available methods for an efficient adjudication of this controversy; (e) the Class Representative
14 will fairly and adequately protect the interests of the proposed Class; and (f) Plaintiff's counsel
15 are qualified to serve as Class Counsel.

16 6. The Court hereby appoints John A. Van Hook of the Van Hook Law Firm and
17 Adrian C. Byrne of The Byrne Law Group as Class Counsel.

18 7. The Court hereby appoints Plaintiff Blenda Long as Class Representative of the
19 Settlement Class.

20 8. The Court hereby appoints Phoenix Settlement Administrators as settlement
21 administrator to effectuate the terms of the settlement, including calculation, processing and
22 payment of all settlement payments and awards, as well as all necessary tax withholdings and
23 tax documentation/reporting.

24 9. Plaintiff has separately moved for an award of Class Counsel's attorney's fees
25 and costs, for payment of settlement administrator expenses to Phoenix Settlement
26 Administration, and a Class Representative enhancement payment to Plaintiff, and those
27 requests shall be addressed in the Order concerning that Motion.

28 10. The Parties are hereby ordered to timely take all actions necessary to effectuate
this Order and the Settlement Stipulation, including directing Phoenix Settlement

Administrators to effectuate its duties and responsibilities as settlement administrator.

11. A hearing regarding compliance with this Order and the terms of the Settlement Stipulation is hereby set for 8.25, 20²³~~21~~.

IT IS SO ORDERED.

Dated: 8.25.21

David Cohn
Hon. David Cohn
Judge of the Superior Court
San Bernardino County Superior Court