

1 Taras Kick (SBN 143379)
Taras@kicklawfirm.com
2 Greg Taylor (SBN 315128)
Greg@kicklawfirm.com
3 Ryan Tish (SBN 274284)
Ryan@kicklawfirm.com
4 THE KICK LAW FIRM, APC
815 Moraga Drive
5 Los Angeles, California 90049
Telephone: (310) 395-2988
6 Facsimile: (310) 395-2088

7 Attorneys for Plaintiffs SHIRLEY GOEMAAT
and REHANA BALUCH
8

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF ORANGE – CIVIL COMPLEX CENTER**

11 SHIRLEY GOEMAAT and REHANA
BALUCH, individually, and on behalf of all
12 others similarly situated and aggrieved,

13 Plaintiffs,

14 vs.

15 ORANGE COUNTY ASSOCIATION FOR
MENTAL HEALTH, a California Corporation;
16 and DOES 1 through 50, inclusive,

17 Defendants.
18
19
20
21
22
23
24
25
26
27
28

Case No.: 30-2019-01106371-CU-BT-CXC

*[Assigned for all purposes to the Hon. Peter
Wilson, Dept. CX101]*

CLASS ACTION

**DECLARATION OF GREG TAYLOR IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT
(RELATED TO ROA #125)**

Date: January 26, 2023

Time: 2:00 PM

Dept: CX101

Complaint filed: October 21, 2019

FAC filed: June 12, 2021

Trial date: None set

1 I, Greg Taylor, declare:

2 1. I am a member in good standing of the State Bar of California and am one of the
3 attorneys for Plaintiffs Shirley Goemaat and Rehana Baluch ("Plaintiffs") in this action. The
4 following is based on my personal knowledge, and, if called as a witness, I could and would testify
5 competently thereto.

6 2. Attached as **Exhibit 1** is a true and correct copy of the Minute Order issued December
7 22, 2022 ("December 22 Minute Order"), which listed items to be revised.

8 3. Attached as **Exhibit 2** is true and correct redlined copy of the Amended Declaration
9 of Stephen Gomez Regarding Notice and Settlement Administration ("Amended Simpluris Decl.").
10 A true and correct clean copy of the Amended Simpluris Decl. has been filed concurrently herewith.

11 4. Attached as **Exhibit 3** is a true and correct redlined copy of revised Proposed Order
12 Granting Final Approval of Class and PAGA Action Settlement and Judgment Thereon ("Revised
13 Proposed Order"). A true and correct clean copy of the revised Proposed Order has been filed
14 concurrently herewith.

15 5. On December 29, 2022, Plaintiffs served Defendant with a Notice of Ruling and the
16 December 22 Minute Order. Plaintiffs also gave notice to the to the Labor and Workforce
17 Development Agency ("LWDA") of the Minute Order and continued hearing date. Attached as
18 **Exhibit 4** is a true and correct email confirming submission of the December 22 Minute Order to the
19 LWDA.

20 6. Prior to filing, Plaintiffs will attach the email confirming submission to the LWDA as
21 Exhibit 5. Plaintiffs have given notice to the LWDA and will give notice to Defendant upon
22 filing this supplemental brief and supporting documents. Plaintiffs will file a proof of service at
23 least 5 court days before the January 26, 2023, hearing.

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

26 Executed: This 12th day of January 2023, in the County of Los Angeles, State of California.

27
28 
Greg Taylor

EXHIBIT 1

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CIVIL COMPLEX CENTER**

MINUTE ORDER

DATE: 12/22/2022

TIME: 02:00:00 PM

DEPT: CX101

JUDICIAL OFFICER PRESIDING: Peter Wilson

CLERK: N. Lau

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: I. Olivares

CASE NO: **30-2019-01106371-CU-BT-CXC** CASE INIT.DATE: 10/21/2019

CASE TITLE: **Goemaat vs. Orange County Association for Mental Health**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Business Tort

EVENT ID/DOCUMENT ID: 73818914

EVENT TYPE: Motion for Final Approval

MOVING PARTY: Shirley Goemaat

CAUSAL DOCUMENT/DATE FILED: Motion - Other For Final Approval of Class Action Settlement,
11/29/2022

APPEARANCES

Tentative Ruling posted on the Internet .

There are no appearances by any party.

The Court confirms the tentative ruling as follows:

The hearing on the Motion for Final Approval is CONTINUED to January 26, 2023 at 2:00 p.m. in department CX101 to permit the parties to respond to the following issues. A supplemental briefing shall be filed at least 9 days before the continued hearing and respond where necessary to the points raised below:

1. The Settlement Administrator should provide the names of the individuals who opted out. The names of those individuals should also be included in the proposed Order.
2. In calculating the Net Settlement Amount, the Settlement Administrator subtracted \$3,072.27 from the gross settlement for "Employers Taxes". However, Defendant is required to pay for its own taxes in addition to the gross settlement amount. See Settlement, ¶¶18 and 23. Additionally, the Settlement Administrator only deducted \$5,000 from the gross settlement for Plaintiffs' Service Awards. But Plaintiffs have requested \$10,000 each for a total of \$20,000. Plaintiffs' counsel should ensure that the Settlement Administrator is aware what disbursements may properly be deducted from the gross settlement and the correct amount.
3. The Settlement Administrator should provide the estimated lowest individual settlement payment and individual PAGA payment.
4. The Settlement Administrator should provide the estimated individual settlement payment and/or individual PAGA payment for each Plaintiff.

-
5. The actual class size increased by 16 from the estimated class size. Do the parties anticipate that the increase in class size will trigger the escalator clause?
6. How will notice of the judgment be provided to the class? The method for providing notice should be included in the proposed Order.
7. Should the Settlement be approved, the Court will hold a status conference for a final accounting. Counsel shall submit a final report at least 10 days prior to that conference regarding the status of the settlement administration. Counsel should include a date for the final accounting in the proposed order. The Court holds final accounting hearings on Fridays at 9:00 am. The final accounting should occur after the deadline for class members to cash their checks. The final report must include all information necessary for the Court to determine the total amount actually paid to class members and any amounts tendered to the cy pres recipient, Public Counsel.
8. Plaintiff should identify all compensation they have or are anticipated to receive from this lawsuit and submit a declaration addressing the factors set forth in *Golba v. Dick's Sporting Goods, Inc.* (2015) 238 Cal.App.4th 1251, 1272 and *Clark v. Am. Residential Servs. LLC* (2009) 175 Cal.App.4th 785, 804, including an estimate of the hours spent on this litigation.
9. The proposed order is to be revised consistent with the issues addressed above.
10. Counsel's contact information should be removed from the caption page of the proposed Order.
11. In Paragraph 17, line 10, "and" should be replaced with "plus". Additionally, paragraph 17 should be simplified and state that the Court has approved the amounts of the disbursements as fair and reasonable and then itemize the disbursements and amounts.
12. Some of the paragraphs in the proposed order are misnumbered and should be corrected.
- Plaintiff is ordered to give notice, including to the LWDA and file a proof of service at least 5 court days before the continued hearing.

EXHIBIT 2

Taras Kick (SBN 143379)
taras@kicklawfirm.com
Greg Taylor (SBN 315128)
greg@kicklawfirm.com
THE KICK LAW FIRM, APC
815 Moraga Drive
Los Angeles, California 90049
Telephone: (310) 395-2988
Facsimile: (310) 395-2088

Attorneys for Plaintiffs SHIRLEY GOEMAAT and
REHANA BALUCH, individually, and on behalf of all
others similarly situated and aggrieved

Steven C. Amundson, Esq. (Cal. SBN 218507)
sca@manningllp.com
Alina Sookasian, Esq. (Cal. SBN 311837)
aws@manningllp.com
MANNING & KASS ELLROD, RAMIREZ, TRESTER LLP
801 South Figueroa Street, 15th Floor
Los Angeles, California 90017
Telephone: (213) 624-6900
Facsimile: (213) 624-6999

Attorneys for Defendant ORANGE COUNTY
ASSOCIATION FOR MENTAL HEALTH, a
California Corporation

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE – CIVIL COMPLEX CENTER

SHIRLEY GOEMAAT and REHANA
BALUCH, individually, and on behalf of
others similarly situated and aggrieved,

Plaintiffs,

v.

ORANGE COUNTY ASSOCIATION FOR
MENTAL HEALTH, a California
Corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 30-2019-01106371-CU-BT-CXC

**AMENDED DECLARATION OF
STEPHEN GOMEZ REGARDING
NOTICE AND SETTLEMENT
ADMINISTRATION**

Judge: Hon. Peter Wilson

Dept.: ~~CX102~~CX101

Hearing Date: ~~December 22, 2022~~January
26, 2023

Hearing Time: 2:00 p.m.

1 I, **STEPHEN GOMEZ** declare the following facts to be true and correct and if called as a
2 witness would testify competently to the same:

3 1. I am employed as a Case Manager by Simpluris, Inc. (“Simpluris”) the claims
4 administrator in the above-entitled action. My business address is 3194-C Airport Loop Drive,
5 Costa Mesa, CA 92626. My telephone number is (714) 824-8590. I am over twenty-one years
6 of age and authorized to make this declaration on behalf of Simpluris and myself.

7 2. Simpluris, Inc. is a Class Action Settlement Administration company located in
8 Costa Mesa, CA. It is founded by individuals who have each managed hundreds of settlements,
9 along with professionals in the areas of Software Development, Third-Party Claims
10 Administration, Mail-House Operations, and Call Center Support Management.

11 3. Simpluris was appointed by the Court as Settlement Administrator to administer
12 the settlement in accordance with the terms of the Stipulation of Class and Representative
13 Action Settlement entered into by the parties on or about February 18, 2022, (the “Settlement
14 Agreement”). Simpluris has been, and if the Court grants final approval of the Settlement,
15 will be responsible for, among other things: (a) printing and mailing in English and Spanish
16 the Notice of Class and Representative Action Settlement (“Notice”) (b) receiving
17 undeliverable Notice Packets; (c) receiving and validating requests for exclusion; (d)
18 calculating individual settlement payments, distributing funds, and tax-reporting following
19 final approval; (e) mailing settlement checks; (f) answering questions from Class Members;
20 and (g) performing such other tasks necessary to effectuate the terms of the Settlement or as
21 the Parties mutually agree or the Court orders Simpluris to perform.

22 4. A toll-free telephone number was included in the Class Notice for the purpose of
23 allowing the Class Members to call Simpluris and to make inquiries regarding the Settlement.
24 The system is accessible 24 hours a day, 7 days a week, and will remain in operation throughout
25 the settlement process. Callers have the option to speak with a live call center representative
26 in English and Spanish during normal business hours or to leave a message and receive a return
27

1 call during non-business hours. The toll-free telephone number included in the Class Notice
2 was 1-888-369-3780.

3 5. On August 23, 2022, Simpluris received the Court-approved Notice. The Notice
4 advised Class Members of their right to opt out from the Settlement, object to the Settlement,
5 or do nothing, and the implications of each such action. The Notice advised Class Members
6 of applicable deadlines and other events, including the Final Approval Hearing, and how Class
7 Members could obtain additional information. The Notice was pre-printed with the name and
8 address of the Class Member and their estimated payment. Simpluris also provided Class
9 Members with a Spanish version of the Notice. A sample Notice is attached hereto as
10 **Exhibit A.**

11 6. On August 18, 2022, Counsel for Defendant provided Simpluris with a mailing
12 list ("Class List") containing the name, last known address, Social Security number, and
13 pertinent employment information during the Class Period for the Class Members. The Class
14 List contained data for three hundred (300) Class Members and/or PAGA Members and one
15 (1) individual who was found to have worked no weeks during the Class Period and was
16 removed from the Class. According to the data provided by Counsel for Defendant, the Class
17 Members worked a total 25,290 workweeks during the Class Period, and PAGA Members
18 worked a total of 4,705 PAGA Pay Periods.

19 7. The mailing addresses contained in the Class List were processed and updated
20 utilizing the National Change of Address Database ("NCOA") maintained by the U.S. Postal
21 Service. The NCOA contains changes of address filed with the U.S. Postal Service. In the
22 event that any individual had filed a U.S. Postal Service change of address request, the address
23 listed with the NCOA was utilized in the mailing of the Notices.

24 8. On September 1, 2022, after updating mailing addresses via the NCOA, Notices
25 were mailed via 1st Class Mail to three hundred (300) Class Members.
26
27

9. As of this date, twenty-five (25) Notices were returned by the post office. For those without forwarding addresses, Simpluris attempted to find a forwarding address using Accurant, a reputable research tool owned by Lexis-Nexis. Simpluris used the Class Member's name and previous address to locate a current address. Altogether, Simpluris re-mailed twenty-one (21) Notices to either; a new forwarding address provided by the Post Office, a newfound address using Accurant, or a forwarding address provided by the Class. Ultimately, four (4) Notices were undeliverable. Simpluris was able to achieve a successful deliverable rate of 98.67% to the Class.

10. The estimated Net Settlement Amount was determined as follows:

Gross Settlement Amount:	\$175,000.00
Less Attorneys' Fees (Requested)	-\$58,333.33
Less Litigation Costs (Requested)	-\$20,000 <u>\$15,000.00</u>
Less Plaintiffs' Service Awards <u>of \$10,000 each</u> (Requested)	-\$5,000 <u>\$20,000.00</u>
PAGA – LWDA Payment	-\$15,000.00
PAGA – Aggrieved Employees Payments	-\$5,000.00
Less Settlement Administration:	-\$6,995.00
Employers Taxes	-\$3,072.27
Settlement Members Payments	\$61,599.40
NET SETTLEMENT FUND	\$0.00
<u>NET SETTLEMENT AMOUNT</u>	<u>\$54,671.67</u>

11. The deadline for Class Members to postmark or submit objections, workweek/PAGA pay period disputes, or requests for exclusion (i.e., opt out requests) was October 31, 2022. Class Members who wished to object to the Settlement were directed to file their objection with the Court and serve a copy of the objection on the attorneys for the parties.

12. As of this date, Simpluris has not received any objections.

13. As of this date, Simpluris has not received any disputes.

14. As of this date, Simpluris has received four (4) requests for exclusion from the Settlement from the following individuals: Timothy Scavo, Brian Gilbert, Brent Burgoyne, and Laura Gollaz. The four (4) valid requests for exclusion represent 1.32% of the Class.

15. Therefore, as of today, there are two hundred ninety-six (296) Participating Class Members receiving an Individual Settlement Award. The estimated average award is ~~\$208.11~~\$184.70. The estimated lowest award is \$2.22, and the estimated highest award is ~~\$710.48~~\$630.58.

16. As of today, there are one hundred sixty-nine (169) PAGA Members receiving an Individual PAGA Payment. The estimated average award is \$29.59. The estimated lowest award is \$1.06, and the estimated highest award is \$55.26.

17. Simpluris' total costs for services in connection with the administration of this Settlement, including fees incurred and anticipated future costs for completion of the administration, are \$6,995.00. A breakdown of Simpluris' fees is attached hereto as **Exhibit B**. Simpluris' work in connection with this matter will continue with the calculation of the settlement checks, issuance and mailing of those settlement checks, etc., and preparation of the necessary tax reporting on such payments.

18. Plaintiff Baluch will receive an estimated Individual Settlement Award of \$157.61. Ms. Baluch will not receive an Individual PAGA Payment.

19. Plaintiff Goemaat will receive an estimated Individual Settlement Award of \$600.41 and an estimated Individual PAGA Payment of \$36.13.

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

Executed this 11th day of January, 2023, ~~28th day of November, 2022~~, in Costa Mesa,
California.

Stephen Gomez

EXHIBIT 3

1 ~~Taras Kick (SBN 143379)~~
2 ~~taras@kicklawfirm.com~~
3 ~~Greg Taylor (SBN 315128)~~
4 ~~greg@kicklawfirm.com~~
5 ~~THE KICK LAW FIRM, APC~~
6 ~~815 Moraga Drive~~
7 ~~Los Angeles, California 90049~~
8 ~~Telephone: (310) 395-2988~~
9 ~~Faex: (310) 395-2088~~

10 ~~Attorneys for Plaintiffs SHIRLEY GOEMAAT~~
11 ~~and REHANA BALUCH, individually, and on~~
12 ~~behalf of all others similarly situated~~

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF ORANGE – CIVIL COMPLEX CENTER**

15 SHIRLEY GOEMAAT and REHANA
16 BALUCH, individually, and on behalf of all
17 others similarly situated,

18 Plaintiffs,

19 v.

20 ORANGE COUNTY ASSOCIATION FOR
21 MENTAL HEALTH, a California Corporation;
22 and DOES 1 through 100, inclusive,

23 Defendants.

Case No.: 30-2019-01106371-CU-BT-CXC

*[Assigned for all purposes to the Hon. Peter
Wilson, Dept. CX101]*

**[PROPOSED] ORDER GRANTING
FINAL APPROVAL OF CLASS AND
PAGA ACTION SETTLEMENT AND
JUDGMENT THEREON**

Date: ~~December 22, 2022~~ January 26, 2023
Time: 2:00 PM
Dept: CX101

Complaint filed: October 21, 2019
FAC filed: June 12, 2021
Trial date: None set

1 **[PROPOSED] ORDER AND JUDGMENT**

2 On December 22, 2022, at 2:00 p.m., Plaintiffs' unopposed Motion for Final Approval of Class
3 Action and PAGA Settlement ("Motion") came before this Court in *Shirley Goemaat v. Orange County*
4 *Association for Mental Health, et al.*, Orange County Superior Court, Case No. 30-2019-01106371-CU-
5 BT-CXC (the "Action").

6 After full consideration of the Motion and papers filed in support thereof, including the Stipulation
7 of Class and Representative Action Settlement and the Amendment to Stipulation of Class and
8 Representative Action Settlement (collectively, the "Settlement Agreement") attached as Exhibits 1 and
9 2 to the Declaration of Taras Kick, and good cause having been shown, IT IS HEREBY ORDERED that
10 the Motion for Final Approval of Class Action and PAGA Settlement is GRANTED based on the
11 conditions below.

12 **I. RECITALS**

13 On March 4, 2022, Plaintiffs Shirley Goemaat and Rehana Baluch ("Plaintiffs") and Defendant
14 Orange County Association for Mental Health ("Defendant" or "OCAMH") (collectively, the "Parties")
15 entered into a Stipulation of Class and Representative Action Settlement.

16 On March 24, 2022, Plaintiffs filed an Unopposed Motion for Preliminary Approval of Class
17 Action Settlement ("MPA"), which was before this Court on May 5, 2022, and again on June 9, 2022.
18 Following the hearing on May 5, 2022, the Parties made revisions as requested by the Court, including
19 amending the Settlement Agreement to clarify the release provisions. On May 27, 2022, the Parties signed
20 an Amendment to Stipulation of Class and Representative Action Settlement ("Amendment"). Following
21 the hearing on June 9, 2022, additional briefing and revisions to the Class Notice and Proposed Order
22 were completed as the Court requested in its Order dated June 9, 2022.

23 On August 5, 2022, the Court entered its Order Granting Plaintiffs' Motion for Preliminary
24 Approval of Class Action and PAGA Settlement ("Preliminary Approval Order"), preliminarily approving
25 the terms of the Settlement Agreement, the Class Notice, and the proposed administration procedures and
26 associated deadlines.

27 On December 22, 2022, a Final Approval Hearing was held pursuant to Rule 3.769 of the
28 California Rules of Court to determine whether the Action satisfies the applicable prerequisites for class

1 action treatment under Cal. Code. Civ. Pro. § 382, and whether the proposed Settlement is fundamentally
2 fair, reasonable, adequate, and in the best interests of the Settlement Class Members and should be
3 approved by the Court.

4 **II. FINDINGS**

5 1. The Court has jurisdiction over all claims asserted in the Action, Plaintiffs, Class Members,
6 and Defendant.

7 2. The Court finds that the Settlement that has been reached is the result of intensive, non-
8 collusive, arm's-length negotiations. The Court finds that the Settlement is, in all respects, fair, reasonable,
9 and adequate to the Class when balanced against the probable outcome of extensive and costly litigation.
10 Substantial investigation and research have been conducted such that counsel for the Parties are reasonably
11 able to evaluate their respective positions. It appears to the Court that Settlement will avoid substantial
12 additional costs by all parties, as well as the delay and risk that would be presented by further prosecution
13 of the Action.

14 3. The Court finds that Plaintiffs have adequately represented the Class and finally appoints
15 Plaintiffs as Class Representatives.

16 4. The Court finds that Taras Kick and Greg Taylor of The Kick Law Firm, APC have
17 adequately represented the Class and finally appoints them as Class Counsel.

18 5. The Court determines that the Parties complied with the distribution of the Class Notice in
19 the manner and form set forth in the Settlement Agreement, as ordered, and that the Class Notice provided
20 to the Class was the best notice practicable under the circumstances, constituted due and sufficient notice
21 to all persons entitled to such notice and that all absent Class Members have been given the opportunity
22 to participate fully in the claims exclusion and the approval process.

23 6. The Court notes that Simpluris, Inc., the Court-appointed Settlement Administrator,
24 achieved a successful deliverable rate of 98.67% when disseminating the Class Notice to the 300 Class
25 Members, as identified in the Declaration of Stephen Gomez Regarding Notice and Settlement
26 Administration ("Simpluris Declaration"), filed in support of the Motion.

27 7. The Settlement Administrator received no objections to the proposed Settlement
28 whatsoever, as identified in the Simpluris Declaration.

8. The Settlement Administrator received no workweek/pay period disputes, as identified in the Simpluris Declaration.

9. The Settlement Administrator received four requests for exclusion from the Settlement (i.e., opt-out requests), ~~which constitutes~~ from the following individuals: Timothy Scavo, Brian Gilbert, Brent Burgoyne, and Laura Gollaz. These four requests constitute 1.32% of the Class.

10. Accordingly, the Court finds that the reaction of the Class to the Settlement was overwhelmingly favorable.

III. ORDERS

Based on the foregoing recitals and findings, and good cause appearing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

11. The Court finally certifies and binds the following Class Members and Class:

All current and former non-exempt employees Defendant employed in the State of California at any time during the period commencing on October 21, 2015 and ending on March 24, 2021 (the “Class Period”).

12. The Court finally binds the State of California as to the following PAGA aggrieved employees (“PAGA Members”):

All current and former non-exempt employees Defendant employed in the State of California at any time during the period commencing on February 7, 2019, and ending on March 24, 2021 (the “PAGA Period”).

13. Pursuant to the Code of Civil Procedure section 382, Rule 3.769 of the California Rules of Court and Labor Code §§ 2698, *et seq.* (“PAGA”), this Court now grants final approval of the Settlement as set forth in the Settlement Agreement.

14. Plaintiffs and all participating Class Members, shall have, by operation of this Order and Judgment, fully, finally, and forever released, relinquished, and discharged Released Parties from all Released Claims set forth in the Settlement Agreement which extends to the limits of the Class Period, from October 21, 2015, through March 24, 2021.

15. The State of California, by and through Plaintiff Goemaat, who is a PAGA Representative, shall have, by operation of this Order and Judgment, fully, finally and forever released, relinquished, and

discharged Released Parties from all PAGA Claims set forth in the Settlement Agreement as they relate to the PAGA Settlement.

16. The Settlement is not an admission by Defendant of the merits of any claim in the Action or of any wrongdoing. Neither the Settlement Agreement, nor any document referenced therein, nor any action taken to carry out this Settlement Agreement, shall be (a) construed as or used as an admission of liability or an admission that any of Defendant's defenses in the Action are with or without merit, or (b) disclosed, referred to, or offered in evidence against Defendant in any further proceeding except for purposes of effectuating the Settlement. However, the Settlement may be admitted in evidence and otherwise used in any proceeding to enforce its terms, or in defense of any claims released or barred by the Settlement.

17. The Court approves the non-reversionary Gross Settlement Amount ("GSA"), ~~as set forth in the Settlement Agreement,~~ of one hundred and seventy-five thousand dollars and zero cents (\$175,000.00) and plus the employer-side payroll taxes, ~~which shall be non-reversionary and which shall include (1) Individual Settlement Payments to the Class Members; (2) Settlement Administration Costs to the Settlement Administrator; (3) LWDA PAGA Payment to the California Labor and Workforce Development Agency ("LWDA"); (4) Individual PAGA Payments to the PAGA Members; (5) Class Representative Service Awards to Plaintiffs; (6) Class Counsel Fees Payment to Class Counsel; and (7) Class Counsel Litigation Expenses Payment to Class Counsel payable under this Settlement in keeping with the subparagraphs below:~~ The Court approves the amounts of the following disbursements from the GSA as fair and reasonable:

<u>Settlement Administration Costs to the Settlement Administrator</u>	<u>\$6,995.00</u>
<u>PAGA Payment to the CA Labor and Workforce Development Agency</u>	<u>\$15,000.00</u>
<u>PAGA Payments to the PAGA Members</u>	<u>\$5,000.00</u>
<u>Class Representative Service Awards to Plaintiffs (\$10,000 each)</u>	<u>\$20,000.00</u>
<u>Class Counsel Fees Payment to Class Counsel</u>	<u>\$58,333.33</u>
<u>Class Counsel Litigation Expenses Payment to Class Counsel</u>	<u>\$15,000.00</u>

a. Individual Settlement Payments to Class Members. The Court ~~hereby~~ approves the methodology used to calculate Class ~~Member's~~ Members' Individual Settlement Payments ~~amount~~ as

1 detailed in the Settlement Agreement and approves payments of those amounts to Class Members as
2 Individual Settlement Payments for their individual releases of the Released Claims.

3 ~~a. Settlement Administration Costs to the Settlement Administrator. The Court hereby~~
4 ~~approves a payment of \$6,995.00 to the Settlement Administrator for settlement administration tasks,~~
5 ~~which is less than the “not to exceed” cost represented in the notice to Class Members as \$10,000.00.~~

6 ~~b. PAGA Payment to the LWDA. The Court hereby approves the payment of fifteen~~
7 ~~thousand dollars and zero cents (\$15,000.00) to the California Labor Workforce Development Agency as~~
8 ~~75% of the total PAGA Penalties.~~

9 ~~c. Individual PAGA Payments to the PAGA Members. The Court hereby approves~~
10 ~~the methodology used to calculate each Class Member’s individual PAGA payment amount as detailed in~~
11 ~~the Settlement Agreement and approves payments of five thousand dollars and zero cents (\$5,000.00) in~~
12 ~~aggregate for all PAGA Members and approves payments of those amounts to PAGA Members as~~
13 ~~Individual PAGA Payments.~~

14 b. Attorneys’ Fees to Class Counsel. The Court awards at the requested Class Counsel Fees
15 Payment ~~in the amount of fifty-eight thousand three hundred and thirty-three dollars and thirty-three cents~~
16 ~~(\$58,333.33), payable~~ to Class Counsel. The Declaration of Taras Kick testifies that Class Counsel
17 expended substantially more than ~~this~~ the requested amount in attorneys’ fees throughout the litigation.
18 Further, the Court notes that Defendant does not oppose this request and no Class Member has objected
19 to the request. The Court determines that the award of such fees is fair and reasonable in recognition of
20 Class Counsel’s diligent representation of Plaintiffs and Class Members and the contingent risks Class
21 Counsel undertook in litigating the Action. The Court finds that Class Counsel’s request for attorneys’
22 fees is reasonable in light of the benefit obtained for the Class. The Court finds that Class Counsel’s hourly
23 rates are reasonable and in line with rates prevailing in the community. The Court further finds that the
24 number of hours Class Counsel spent prosecuting the Action is reasonable. Accordingly, the Court finds
25 that Class Counsel’s request for attorneys’ fees is reasonable in this case as a percentage of the recovery
26 and also is reasonable under the lodestar method. The fees being awarded to Class Counsel do not
27 represent a positive multiplier to the lodestar despite one being justified here, including because of the
28

1 risk in this case and the difficulty of the questions involved, the substantial benefit conferred on the Class
2 and the State as a result of the Settlement, and the skill displayed by Class Counsel.

3 ~~d. — Litigation Expenses Payment to Class Counsel. The Court awards \$11,655.84 to~~
4 ~~Class Counsel for reimbursement of Class Counsel's reasonable litigation expenses incurred in litigating~~
5 ~~and resolving the Action as a Litigation Cost award because the Court determines that the award of such~~
6 ~~costs is fair and reasonable, and the Court notes that this amount is less than the "not to exceed" cost~~
7 ~~represented in the notice to Class Members as \$15,000.00.~~

8 c. Class Representative Service Award to Plaintiffs. The Court approves the ~~payment of ten~~
9 ~~thousand dollars and zero cents (\$10,000) each~~ requested service awards to Plaintiffs Shirley Goemaat
10 and Rehana Baluch ~~(for a total of \$20,000),~~ separate and apart from ~~any amounts due to Plaintiffs as~~ their
11 Individual Settlement Payments and ~~as/or~~ Individual PAGA Payments. The Court notes that the
12 ~~Declaration of Taras Kick in support of the Plaintiffs' Motion for Final Approval, as well as the~~
13 ~~Declarations of Shirley Goemaat and Rehana Baluch~~ declarations filed in support of Plaintiffs' Motion for
14 Preliminary Approval, detailed Ms. Goemaat and Ms. Baluch's active involvement in the case, ~~on top of~~
15 ~~the reputational~~ time and effort expended, and risks ~~they~~ assumed in order to serve as Class
16 Representatives. The Court further notes that the Class Members were informed of Plaintiffs' requested
17 Service Awards in the Class Notice and no Class Member has objected to Plaintiffs' request. Further, the
18 Court notes that Defendant does not oppose this request.

19 ~~17.18.~~ 18.19. The Court hereby approves the plan for transferring uncashed Individual Settlement
20 Payment and Individual PAGA Payment checks to the parties' proposed *cy pres* recipient, Public Counsel,
21 a 501(c)(3) non-profit organization that provides pro bono legal services at sites across California. If a
22 Class Member fails to receive or cash his or her Individual Settlement Payment check or Individual PAGA
23 Payment, then the affected Class Member shall be deemed bound to the Settlement, nonetheless.

24 ~~18.19.~~ 19.20. The Court directs and authorizes Counsel for the Parties to utilize all reasonable procedures
25 in connection with the further administration of the Settlement that are not materially inconsistent with
26 either this Order or the terms of the Settlement Agreement.

27 ~~19.20.~~ 20.21. The Parties shall bear their own respective attorneys' fees and costs, except as otherwise
28 provided for in this Order or in the Settlement Agreement and as later approved by the Court.

1 ~~20-21.~~ Pursuant to California Rule of Court, Rule 3.769(h), this Court shall retain jurisdiction over
2 all matters related to the administration and consummation of the Settlement and any claims, asserted in,
3 arising out of, or related to the subject matter of the Action including, but not limited to, all matters related
4 to the final distribution of Settlement funds and the determination of all controversies relating thereto.

5 ~~21-22.~~ A non-appearance Status Conference re Final ~~Compliance Hearing re: Final Report~~
6 ~~on Accounting of~~ Distribution of Settlement Funds is set for ~~October 16, 2023, or October 23~~ November 3,
7 2023, or _____, 2023, at ~~_____~~ 9:00 a.m./~~p.m.~~. The Court orders Class Counsel to file the
8 Final ~~Compliance~~ Accounting Status Report at least ~~five (5) court~~ ten (10) days in advance of the Final
9 ~~Compliance Hearing~~ Accounting hearing. The final report shall include all information necessary for the
10 Court to determine the total amount actually paid to class members and any amounts tendered to the cy
11 pres recipient, Public Counsel.

12 ~~22-23.~~ Accordingly, and pursuant to Code of Civil Procedure section 382 and Rule 3.769 of the
13 California Rules of Court, this Court GRANTS Plaintiffs' Motion for Final Approval of Class Action and
14 PAGA Settlement.

15 IV. JUDGMENT

16 ~~23-24.~~ The Court hereby enters final judgment in this Action in accordance with the terms of the
17 Settlement Agreement, the Preliminary Approval Order, and this Order ("Final Approval Order").

18 25. Pursuant to the terms of the Settlement, the Settlement Administrator shall post copies of
19 the Final Approval Order and Final Judgment on its website and Plaintiffs shall cause copies of the Final
20 Approval Order and Final Judgment to be submitted to the LWDA.

21 **IT IS SO ORDERED AND ADJUDGED.**

22
23 DATED: _____

24 THE HONORABLE PETER WILSON
25 JUDGE OF THE SUPERIOR COURT
26
27
28

EXHIBIT 4

From: [DIR PAGA Unit](#)
To: [Alina Muresan](#)
Subject: Thank you for your Court Order or Judgment Submission
Date: Thursday, December 29, 2022 5:57:43 PM

12/29/2022 05:57:10 PM

Thank you for your submission to the Labor and Workforce Development Agency.

Item submitted: Court Order or Judgment

If you have questions or concerns regarding this submission or your case, please send an email to pagainfo@dir.ca.gov.

DIR PAGA Unit on behalf of
Labor and Workforce Development Agency

Website: http://labor.ca.gov/Private_Attorneys_General_Act.htm