

1 David Mara, Esq. (230498)
Matthew Crawford, Esq. (310230)
2 **MARA LAW FIRM, PC**
2650 Camino Del Rio North, Suite 205
3 San Diego, CA 92108
Telephone: 619-234-2833
4 Facsimile: 619-234-4048

5 Attorneys for Plaintiff MIGUEL HERNANDEZ,
on behalf of himself, all others similarly situated,
6 and on behalf of the general public.

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

10
11 MIGUEL HERNANDEZ, on behalf of
12 himself, all others similarly situated, and on
behalf of the general public,

13 Plaintiff,

14 v.

15 MJ INDUSTRIES, INC.; MJ TANK LINES,
16 INC.; and DOES 1-100,

17 Defendants.

Case No. 37-2017-00003218-CU-OE-CTL

**NOTICE OF ENTRY OF ORDER
GRANTING PLAINTIFF'S MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
ENTERING OF FINAL JUDGMENT**

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 NOTICE IS HEREBY GIVEN that on January 15, 2021, the Court issued an Order
3 Granting Final Approval of Class Action Settlement and Entering of Final Judgment. A true and
4 correct copy of the Court's tentative ruling, which was affirmed at today's hearing, is attached
5 hereto as Exhibit 1. The order the Court will be signing, as noted in the ruling, is attached hereto
6 as Exhibit 2.

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8 Dated: January 15, 2021

MARA LAW FIRM, PC

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David Mara, Esq.
Matthew Crawford, Esq.

11 Attorneys for Plaintiff MIGUEL HERNANDEZ,
12 on behalf of himself and all others similarly
13 situated, and on behalf of the general public
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Exhibit 1

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - January 14, 2021

EVENT DATE: 01/15/2021

EVENT TIME: 08:30:00 AM

DEPT.: C-74

JUDICIAL OFFICER: Ronald L. Styn

CASE NO.: 37-2017-00003218-CU-OE-CTL

CASE TITLE: HERNANDEZ VS MJ INDUSTRIES INC [E-FILE]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED:

Plaintiff's motion for final approval of class action settlement is GRANTED. Applying the factors set forth in *Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1796, the court finds Plaintiff meets his burden of showing that the settlement, in the total gross monetary amount of \$150,000.00, is fair, adequate and reasonable. See also, *Wershba v. Apple Computer, Inc.* (2001) 91 Cal.App.4th 224, 244. The court finds a service award of \$10,000.00 to the class representative reasonable and approves Plaintiff's request for a class representative service award to Plaintiff Miguel Hernandez in the amount of \$10,000.00. *In re Cellphone Fee Termination Cases* (2010) 186 Cal.App.4th 1380. The court finds an award of attorneys' fees of \$50,000.00 proper under the percentage of common fund with Lodestar cross-check analysis of *Laffitte v. Robert Half Intern. Inc.* (2016) 1 Cal.5th 480 and the authorities cited therein. The court finds costs of \$15,000.00 reasonable. See, *Serrano v. Priest* (1977) 20 Cal.3d 25, 35. The court awards Plaintiff attorneys' fees of \$50,000.00 and costs of \$15,000.00. The court finds administrative costs of \$6,249.00.00 reasonable and approves claims administration costs in this amount. The court approves the Private Attorney General Act (PAGA) settlement amount of \$5,000.00 (\$3,750.00 to be paid to the California Labor and Workforce Development Agency and \$1,250.00 to be distributed to the class).

The court signs the Order Granting Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees, Costs, Class Representative General Release Payment, and Entering of Final Judgment.

Exhibit 2

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

MIGUEL HERNANDEZ, on behalf of
himself, all others similarly situated,
and on behalf of the general public,

Plaintiff,

v.

MJ INDUSTRIES, INC.; MJ TANK
LINES, INC.; and DOES 1-100,

Defendant.

Case No. 37-2017-00003218-CU-OE-CTL

**[PROPOSED] ORDER GRANTING
PLAINTIFF’S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS’ FEES,
COSTS, CLASS REPRESENTATIVE
GENERAL RELEASE PAYMENT, AND
ENTERING OF FINAL JUDGMENT**

Date: January 15, 2021
Time: 8:30 a.m.
Dept: C-74
Judge: Hon. Ronald L. Styn

1 **ORDER**

2 This matter came on for hearing on January 15, 2021, at 8:30 a.m., in Department C-74
3 of the above-captioned Court on Plaintiff's Unopposed Motion for Final Approval of Class
4 Action Settlement, Attorneys' Fees, Costs, Class Representative General Release Payment, and
5 Entering of Judgment pursuant to: (1) California Rule of Court 3.769(g); (2) the Order Granting
6 Plaintiff's Motion for Preliminary Approval of Class Action Settlement, Conditional
7 Certification, Approval of Class Notice, Setting of Final Approval Hearing Date (hereinafter
8 referred to as the "Preliminary Approval Order"); and (3) the Joint Stipulation of Class Action
9 Settlement and Release and the Joint Stipulation Amending Stipulation and Settlement
10 Agreement (hereinafter referred to as the "Settlement Agreement").

11 Having received and considered the Settlement Agreement, the supporting papers filed by
12 the Parties, and the evidence and argument received by the Court in conjunction with the Motion
13 for Preliminary Approval of Class Action Settlement; and Plaintiff's Motion for Final Approval,
14 Attorneys' Fees, Costs, Class Representative General Release Payment, and Entering of
15 Judgment, the Court grants final approval of the Settlement and HEREBY ORDERS AND
16 MAKES THE FOLLOWING DETERMINATIONS:

17 1. Pursuant to the Preliminary Approval Order, the Notice of Class Action
18 Settlement (hereinafter referred to as the "Notice") was mailed to all members of the Class by
19 first-class U.S. mail. The Notice informed the Class of the terms of the Settlement, of their right
20 to receive their proportional Settlement Payment, of their right to request exclusion from the
21 Class and the Settlement, of their right to comment upon or object to the Settlement and to
22 appear in person or by counsel at the final approval hearing and of the date set for the Final
23 Approval hearing. Adequate periods of time were provided by each of these procedures.

24 2. In response to the Notice, no members of the Class filed a written objection to the
25 Settlement, no class members stated an intention to appear at the final approval hearing, and only
26 four (4) members of the Class requested to be excluded from the Settlement.

27 3. The Court finds and determines that this notice procedure afforded adequate
28 protections to Class Members and provides the basis for the Court to make an informed decision

1 regarding approval of the Settlement based on the Class Members' response. The Court finds and
2 determines that the Notice provided in conjunction with preliminary approval was the best notice
3 practicable, which satisfied the requirements of law and due process.

4 4. The Court further finds and determines that the terms of the Settlement
5 Agreement are fair, reasonable and adequate to the Class and to each Class Member and that the
6 settlement is ordered finally approved, and that all terms and provisions of the Settlement
7 Agreement should be and hereby are ordered to be consummated.

8 5. The Court has certified a Class, as that term is defined in and by the terms of the
9 Settlement Agreement, and the Court deems this definition sufficient for purposes of California
10 Rule of Court 3.765(a).

11 6. The Court hereby approves the terms set forth in the Settlement Agreement and
12 finds that the Settlement is, in all respects, fair, adequate, and reasonable, and directs the Parties
13 to effectuate the settlement according to its terms. The Court finds that the settlement was
14 reached as a result of informed and non-collusive arm's-length negotiations facilitated by a
15 neutral mediator. The Court further finds that the Parties conducted extensive investigation,
16 research, and discovery and that their attorneys were able to reasonably evaluate their respective
17 positions. The Court also finds that settlement will enable the Parties to avoid additional and
18 potentially substantial litigation costs, as well as delay and risks if the Parties were to continue to
19 litigate the case. The Court has reviewed the monetary recovery provided as part of the
20 settlement and recognizes the significant value accorded to the Class.

21 7. The Court hereby confirms David Mara and Matthew Crawford of Mara Law
22 Firm, PC as Class Counsel in this action.

23 8. The Court hereby confirms Plaintiff Miguel Hernandez as the Class
24 Representative in this action.

25 9. The Court finds and determines that the individual Settlement Payments provided
26 for by the terms of the Settlement Agreement to be paid to Participating Class Members are fair
27 and reasonable. The Court hereby gives final approval to and orders the payment of those
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1 amounts be made to the Participating Class Members in accordance with the terms of the
2 Settlement.

3 10. The Court finds and determines that payment to the California Labor and
4 Workforce Development Agency of \$3,750 as its share of the settlement of civil penalties in this
5 case is fair, reasonable, and appropriate. The Court hereby gives final approval to and orders that
6 the payment of that amount be paid in accordance with the Settlement.

7 11. The Court finds and determines the Class Representative General Release
8 Payment in the sum of \$10,000 to Plaintiff Miguel Hernandez is fair and reasonable. The Court
9 hereby orders the Administrator to make these payments to the Plaintiff/Class Representative in
10 accordance with the terms of the Settlement Agreement.

11 12. The Court finds and determines that the payment to be paid to the Settlement
12 Administrator, Simpluris, Inc., in the sum of \$6,249.00 for its fee and expenses incurred is fair
13 and reasonable. The Court hereby orders the Administrator to make this payment to itself in
14 accordance with the terms of the Settlement Agreement.

15 13. Pursuant to the terms of the Settlement, and the authorities, evidence and
16 argument submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees in
17 the sum of \$50,000 and litigation costs of \$15,000. The Court finds such amounts to be fair and
18 reasonable. The Court hereby orders the Settlement Administrator to make these payments in
19 accordance with the terms of the Settlement Agreement.

20 14. Neither Defendant nor any related persons or entities shall have any further
21 liability for costs, expenses, interest, attorneys' fees, or for any other charge, expense, or
22 liability, except as provided for by the Settlement Agreement.

23 15. Nothing in this Order shall preclude any action to enforce the Parties' obligations
24 pursuant to the Settlement Agreement or pursuant to this Order, including the requirement that
25 Defendant make payments to Participating Class Members in accordance with the Settlement
26 Agreement.

27 16. The Court hereby enters final judgment in this case in accordance with the terms
28 of the Settlement Agreement, Preliminary Approval Order and this Order.

17. The Parties shall bear their own costs and attorneys' fees except as otherwise provided for by the Settlement Agreement and this Court's Order Granting Final Approval.

18. Without affecting the finality of this Order in any way, the Court retains jurisdiction of all matters relating to the interpretation, administration, implementation, effectuation and enforcement of this order and the Settlement.

JUDGMENT

19. This document shall constitute a judgment for purposes of California Rules of Court, Rule 3.769(h). In accordance with, and for the reasons stated in this Order, judgment shall be entered within the meaning and for purposes of Code of Civil Procedure sections 577, 904.1(a), and Rules 3.769, and 8.104 of the California Rules of Court whereby named Plaintiff/Class Representative and all Class Members shall take nothing from Defendant except as expressly set forth in the Settlement Agreement filed on June 17, 2020, in conjunction with Plaintiff's Motion for Preliminary Approval of the Class Action Settlement. The Court pursuant to California Rule of Court 3.769(h) shall retain jurisdiction over the parties to enforce the terms of the judgment.

Dated: _____

BY ORDER OF THE COURT
HON. RONALD L. STYN
SUPERIOR COURT OF CALIFORNIA

Case Name: Miguel Hernandez v. MJ Industries, Inc.; MJ Tank Lines, Inc.
Court: San Diego County Superior Court
Case Number: 37-2017-000003218-CU-OE-CTL
LWDA Number: LWDA-CM-773031-20

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN DIEGO

I am employed in the County of: San Diego, State of California.

I am over the age of 18 and not a party to the within action; my business address is:
2650 Camino Del Rio N. Suite 205, San Diego, CA 92108

On January 15, 2021, I served the foregoing document(s) described as:

**NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION SETTLEMENT AND ENTERING OF FINAL
JUDGMENT**

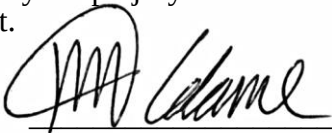
On interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

Ashton Riley
Colin P. Calvert
Christine D. Baran
FISHER & PHILLIPS LLP
2050 Main Street, Suite 1000
ariley@fisherphillips.com
ccalvert@fisherphillips.com

[XX] (BY UNITED STATES MAIL) On January 15, 2021, I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses named above and deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

[XX] (DECLARATION) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Dated: January 15, 2021


Mathew Adame