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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

JOEL VASQUEZ, individually and on
behalf of all others similarly situated

Plaintiffs,

vs.

HOLLYBROOK MONTECITO
OPERATIONS, LLC; and DOES 1
through 20, inclusive,

Defendants.

Case No. 30-2020-01139787-CU-OE-CXC

Assigned for all purposes to:
Hon. Randall J. Sherman
Dept. CX105

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

Date: August 2, 2024
Time: 10:00 a.m.
Dept: CX105

1 This matter came on for hearing on August 2, 2024, at 10:00 a.m., in Department
2 CX105 of the above-captioned Court on the unopposed Motion for Final Approval of Class
3 Action Settlement pursuant to California Rule of Court 3.769, this Court's Order Granting
4 Preliminary Approval on December 22, 2023 and the Joint Stipulation for Settlement
5 ("Settlement Agreement"), a copy of which was filed in conjunction with the Plaintiffs' Motion
6 for Preliminary Approval of Class Action Settlement.

7 Having received and considered the Settlement Agreement, the supporting papers filed
8 by the Parties, and the evidence and argument received by the Court in conjunction with the
9 unopposed Motion for Preliminary Approval of Class Action Settlement granted on December
10 22, 2023 and the instant Motion for Final Approval, the Court grants final approval of the
11 Settlement and HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

12 1. Pursuant to the Order Granting Preliminary Approval, a Notice Packet was sent
13 to each Settlement Class Member by first-class mail. These papers informed the Settlement
14 Class of the terms of the Settlement, their right to receive an Individual Settlement Payment,
15 their right (a) to comment on or object to the Settlement, (b) to request exclusion from the
16 Settlement and pursue their own remedies, and (c) of their right to appear in person or by
17 counsel at the final approval hearing and to be heard regarding approval of the Settlement.
18 Adequate periods of time were provided by each of these procedures. No member of the Class
19 filed written objection to the proposed Settlement as part of this notice process or stated an
20 intention to appear at the final approval hearing.

21 2. The Court finds and determines that this notice procedure afforded adequate
22 protections to Class Members and provides the basis for the Court to make an informed decision
23 regarding approval of the Settlement based on the responses of the Class. The Court finds and
24 determines that the notice provided in this case was the best notice practicable, which satisfied
25 the requirements of law and due process.

26 3. With respect to the Class and for purposes of approving this Settlement only, this
27 Court finds and concludes that: (a) the members of the Class are ascertainable and so numerous
28 that joinder of all members is impracticable; (b) there are questions of law or fact common to

1 the Class, and there is a well-defined community of interest among members of the Class with
2 respect to the subject matter of the Action; (c) the claims of Class Representatives Joel Vasquez
3 and Angelica Barcelon are typical of the claims of the members of the Class; (d) the Class
4 Representatives have fairly and adequately protected the interests of the members of the Class;
5 (e) a class action is superior to other available methods for an efficient adjudication of this
6 controversy; and (f) Class Counsel are qualified to serve as counsel the Class.

7 4. The Court has certified a Class, as that term is defined in and by the terms of the
8 Settlement Agreement as all non-exempt employees who were employed by Defendant in
9 California at any time from March 19, 2016 through April 10, 2023.

10 5. The Court hereby confirms Aegis Law Firm, PC as Class Counsel.

11 6. The Court hereby confirms Plaintiffs Joel Vasquez and Angelica Barcelon as the
12 Class Representatives in this Action.

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

23 8. The Court further finds and determines that the terms of the Settlement are fair,
24 reasonable and adequate to the Class and to each Class Member and that the Settlement is
25 ordered finally approved, and that all terms and provisions of the Settlement should be and
26 hereby are ordered to be consummated.

27 9. The Court hereby approves the Gross Settlement Amount of \$1,000,000.00.

1 10. The Court finds and determines that the Individual Settlement Payments to be
2 paid to Participating Class Members as provided for by the Settlement are fair and reasonable.
3 The Court hereby gives final approval to and orders the payment of those amounts be made to
4 the Participating Class Members in accordance with the Settlement Agreement.

5 11. The Court finds and determines that payment to the California Labor and
6 Workforce Development Agency of \$37,500.00 as its share of the settlement of civil penalties
7 in this case is fair, reasonable, and appropriate. The Court hereby gives final approval to and
8 orders that the payment of that amount be paid in accordance with the Settlement Agreement.

9 12. The Court finds and determines that the fees and expenses in administrating the
10 Settlement incurred by ILYM Group, Inc. in the amount of \$8,550.00 are fair and reasonable.
11 The Court hereby gives final approval to and orders that the payment of that amount in
12 accordance with the Settlement.

13 13. The Court finds and determines the Class Representative Incentive Awards of
14 ~~up to \$10,500.00 \$15,000.00~~ total for the named Plaintiffs: \$7,500.00 ~~\$10,000~~ for Plaintiff
15 Joel Vasquez and \$3,000.00 ~~\$5,000~~ for Plaintiff Angelica Barcelon are fair and reasonable.
16 The Court hereby orders the Administrator to make this payment to the Plaintiffs/Class
17 Representatives in accordance with the terms of the Settlement Agreement.

18 14. Pursuant to the terms of the Settlement, and the authorities, evidence and
19 argument submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees
20 in the sum of \$333,333.33 and litigation costs of \$45,818.44 ~~up to \$49,661.69~~. The Court finds
21 such amounts to be fair and reasonable. The Court hereby orders the Settlement Administrator
22 to make these payments in accordance with the terms of the Settlement Agreement.

23 15. Without affecting the finality of this order or the entry of judgment in any way,
24 the Court retains jurisdiction of all matters relating to the interpretation, administration,
25 implementation, effectuation, and enforcement of this order and the Settlement.

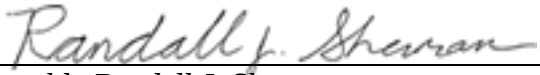
26 16. Neither Defendant nor any related persons or entities shall have any further
27 liability for costs, expenses, interest, attorneys' fees, or for any other charge, expense, or
28 liability, except as provided for by the Settlement Agreement.

1 17. Nothing in this order shall preclude any action to enforce the Parties'
2 obligations under the Settlement or under this order, including the requirement that Defendants
3 make payment to the Participating Class Members in accordance with the Settlement.

4 18. The Court hereby enters final judgment in accordance with the terms of the
5 Settlement Agreement, the December 22, 2023 Order Granting Preliminary Approval of Class
6 Action Settlement, and this Order.

7 19. The Parties will bear their own costs and attorneys' fees except as otherwise
8 provided by this Court's Order awarding Class Counsels' Award for attorneys' fees and
9 litigation costs.

10
11 DATED: **August 2, 2024**



Honorable Randall J. Sherman
JUDGE OF THE SUPERIOR COURT