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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUL 13 2022

BY 
JESSICA MORALES, DEPUTY

5 Attorneys for Jose de Jesus Ortega Velazquez,
6 on behalf of himself, all others similarly situated,
and on behalf of the general public.

7 [ADDITIONAL COUNSEL ON NEXT PAGE]

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

10 JOSE DE JESUS ORTEGA VELAZQUEZ
11 on behalf of himself, all others similarly
situated, and on behalf of the general public,

12 Plaintiffs,

13 v.

14 HUNTER LANDSCAPE, INC.; HUNTER
15 ENVIRONMENTAL SERVICES, INC; and
DOES 1-100,

16 Defendants.

17
18 JOSE CAMARGO, as an individual and on
19 behalf of all others similarly situated,

20 Plaintiff,

21 vs.

22 HUNTER LANDSCAPE, INC., a California
23 corporation; HUNTER ENVIRONMENTAL
SERVICES, INC, a California corporation;
24 and DOES 1 through 100, inclusive,

25 Defendants.

Case No. CIVDS1928062 consolidated with
Case No. CIVDS2009753

[Assigned for all purposes to the Hon. David
Cohn, Dept. S-26]

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, CLASS
REPRESENTATIVES' ENHANCEMENT
PAYMENTS, AND ATTORNEYS' FEES
AND COSTS**

Date: July 13, 2022

Time: 10:00 a.m.

Dept.: S-26

Filed concurrently with:

- Plaintiffs' Notice of Motion and Motion for Final Approval;
- Compendium of Declarations;
- [Proposed] Final Judgment;
- Proof of Service; and
- Supplemental Proof of Service]

Action Filed: September 19, 2019
Trial Date: None Set

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20 JOSE CAMARGO

1 This matter came on regularly for hearing before this Court on July 13, 2022, pursuant
2 to California Rule of Court 3.769 and this Court's March 9, 2022 Order Granting Preliminary
3 Approval of Class Action Settlement ("Preliminary Approval Order"). Having considered the
4 parties' Settlement Agreement (hereinafter as "Settlement" or "Settlement Agreement")¹ and the
5 documents and evidence presented in support thereof, and recognizing the sharply disputed
6 factual and legal issues involved in this case, the risks of further prosecution and the substantial
7 benefits to be received by the Settlement Class pursuant to the Settlement, the Court hereby
8 makes a final ruling that the proposed Settlement is fair, reasonable, and adequate, and is the
9 product of good faith, arm's-length negotiations between the parties. Good cause appearing
10 therefor, the Court hereby GRANTS Plaintiff's Motion for Final Approval of Class Action
11 Settlement and ORDERS as follows:

12 1. The conditional class certification contained in the Preliminary Approval Order is
13 hereby made final, and the Court thus certifies, for purposes of the Settlement only, a Settlement
14 Class consisting of:

15 All current and former non-exempt individuals employed by Defendants
16 Hunter Landscape Inc. and Hunter Environmental Services, Inc.
17 ("Defendants") in California during any portion of the Class Period.

18 2. For purposes of the Settlement, the Class Period is September 19, 2015 through
19 October 15, 2021.

20 3. For purposes of the Settlement, "PAGA Member" is defined as: all current and
21 former non-exempt individuals employed by Defendants in California during any portion of the
22 PAGA Period.

23 4. For purposes of the Settlement, the PAGA Period is August 30, 2018 through
24 October 15, 2021.

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26
27 ¹ Unless otherwise indicated, all terms used in this Order shall have the same meaning as that
assigned to them in the Settlement.

5. Plaintiffs Jose de Jesus Ortega Velazquez and Jose Camargo are hereby confirmed as Class Representatives, and David Mara and Jill Vecchi of Mara Law Firm, PC and Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC and Paul K. Haines of Haines Law Group, APC are hereby confirmed as Class Counsel.

6. Notice was provided to the Settlement Class as set forth in the Settlement. The form and manner of notice were approved by the Court on March 9, 2022, and the notice process has been completed in conformity with the Court's Order. The Court finds that said notice was the best notice practicable under the circumstances. The Class Notice provided due and adequate notice of the proceedings and matters set forth therein, informed Settlement Class members of their rights, and fully satisfied the requirements of California Code of Civil Procedure § 1781(e), California Rule of Court 3.769, and due process.

7. The Court finds that no Settlement Class member objected to the Settlement and no Settlement class members have opted out of the Settlement, and that the 100% participation rate in the Settlement supports final approval.

8. The Court hereby approves the settlement as set forth in the Settlement Agreement as fair, reasonable, and adequate, and directs the parties to effectuate the Settlement Agreement according to its terms.

9. For purposes of settlement only, the Court finds that (a) the members of the Settlement Class are ascertainable and so numerous that joinder of all members is impracticable; (b) there are questions of law or fact common to the Settlement Class, and there is a well-defined community of interest among members of the Settlement Class with respect to the subject matter of the litigation; (c) the claims of the Class Representatives are typical of the claims of the members of the Settlement Class; (d) the Class Representatives have fairly and adequately protected the interests of the Settlement Class members; (e) a class action is superior to other available methods for an efficient adjudication of this controversy; and (f) Class Counsel are qualified to serve as counsel for the Class Representatives and the Settlement Class.

1 17. The Court finds that the payment to the California Labor & Workforce
2 Development Agency ("LWDA") in the amount of \$56,250.00 for its share of the settlement of
3 Plaintiff's representative action under the California Labor Code Private Attorneys General Act
4 ("PAGA") is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute
5 this payment to the LWDA in conformity with the terms of the Settlement and this Order.

6 18. Pursuant to the terms of the Settlement, the employer's share of payroll taxes for
7 the portion of the Net Settlement Amount allocated to wages shall be paid by or on behalf of
8 Defendants separately, and in addition to, the Gross Settlement Amount prior to the distribution
9 deadline.

10 19. The Court finds and determines that upon satisfaction of all obligations under the
11 Settlement and this Order, all Settlement Class members, will be bound by the Settlement, will
12 have released the Released Claims as set forth in the Settlement, and will be permanently barred
13 from prosecuting against Defendant any of the Released Claims pursuant to the Settlement.

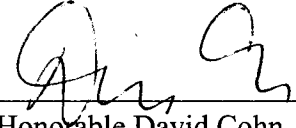
14 20. The Settlement is not an admission by Defendants nor is this Order a finding of
15 the validity of any allegations or of any wrongdoing by Defendants. Neither this Order, the
16 Settlement, nor any document referred to herein, nor any action taken to carry out the Settlement,
17 shall be construed or deemed an admission of liability, culpability, or wrongdoing on the part of
18 Defendants.

19 21. The Court will retain jurisdiction to enforce the Settlement, this Final Approval
20 Order, and the Judgment entered in connection with the Settlement.

21 22. The Settlement Administrator shall file a declaration regarding the disbursement
22 of Settlement funds on or before ^{7/13/27} May 31, 2024.

23 **IT IS SO ORDERED.**

24 Dated: 7/13/22, 2022


Honorable David Cohn
Judge of the Superior Court