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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUL 29 2022

DAVID H. YAMASAKI, Clerk of the Court

BY: LM, DEPUTY

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF ORANGE**

15 EDITH GUTIERREZ, as an individual and on
16 behalf of all others similarly situated,

17 Plaintiff,

18 vs.

19 DELTRONIC CORPORATION, a California
20 corporation; and DOES 1 through 100,

21 Defendants.

Case No. 30-2020-01139890-CU-OE-CXC

[Assigned for all purposes to the Hon.
Glenda Sanders, Dept. CX101]

**JUDGMENT AND ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES
AND COSTS, AND CLASS
REPRESENTATIVE ENHANCEMENT
PAYMENT**

Date: July 29, 2022
Time: 1:30 p.m.
Dept.: CX101

Action Filed: April 1, 2020
Trial Date: None Set

1 **JUDGMENT AND ORDER**

2 Having considered the Motion of Plaintiff Edith Gutierrez (“Plaintiff”) for Final Approval
3 of Class Action Settlement, Attorneys’ Fees and Costs, and Class Representative Enhancement
4 Payment, the parties’ Stipulation of Settlement and Release (“Settlement” or “Settlement
5 Agreement”), which is attached as Exhibit A to Plaintiff’s Supplemental Brief In Support of
6 Plaintiff’s Motion for Preliminary Approval of Class Action Settlement (ROA #71), submitted to
7 the Court on July 12, 2021, and all other documents and evidence presented in support thereof,
8 and recognizing the disputed factual and legal issues involved in this case, the risks of further
9 prosecution, and the benefits to be received by the Class Members pursuant to the Settlement, the
10 Court hereby makes a final ruling that the proposed Settlement is fair, reasonable, and adequate,
11 and is the product of good faith, arms’-length negotiations between the parties. Good cause
12 appearing therefor, the Court hereby GRANTS Plaintiff’s Motion for Final Approval of Class
13 Action Settlement and HEREBY ORDERS THE FOLLOWING:

14 1. Final judgment is hereby entered in conformity with the Settlement and this
15 Court’s Preliminary Approval Order.

16 2. The conditional class certification contained in the Preliminary Approval Order is
17 hereby made final, and the Court thus certifies, for purposes of the Settlement, a Settlement Class
18 consisting of:

19 All current and former non-exempt employees who worked for Defendant
20 Deltronic Corporation (“Deltronic”) in California from April 1, 2016 to
21 February 15, 2021.

22 3. Plaintiff Edith Gutierrez is hereby confirmed as the Class Representative and Paul
23 K. Haines, Fletcher W. Schmidt, and Alexandra R. McIntosh of Haines Law Group, APC are
24 hereby confirmed as Class Counsel.

25 4. Notice (attached as Exhibit C to ROA #71) was provided to the Class Members as
26 set forth in the Settlement Agreement, which was approved by the Court on August 18, 2021. The
27 Court finds that said notice constituted reasonable notice under the circumstances, and constituted
28 valid, due, and sufficient notice to all Class Members. The Notice of Class Action Settlement
provided due and adequate notice of the proceedings and matters set forth therein, informed Class

Members of their rights, and fully satisfied the requirements of California Code of Civil Procedure section 382, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law.

5. The Court finds that no Class Members objected to the Settlement and three individuals submitted a Request for Exclusion in order to opt-out of the Settlement. The three Class Members who submitted a Request for Exclusion are Dorice Sellers, Christopher Shapanus, and Linh Tran. As such, the Court determines that these individuals are excluded from the Settlement and the Settlement Class.

6. The Court finds that the 98.4% participation rate supports final approval.

7. 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.

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

9. The Court finds that given the absence of objections, and objections being a prerequisite to appeal, this Order will be considered final as of the date of entry.

10. As of the date that this Judgment becomes final, all Class Members, except those who submitted a Request for Exclusion (identified in Paragraph 5 above), release and discharge Deltronic, from all claims that were pled in the Action, or which could have been pled in the Action, with the exception of the PAGA Claims addressed separately below, based on the factual allegations therein, that arose during the Class Period (collectively referred to as “Released Class

Claims” or “Class Release”). This release runs from April 1, 2016, to February 15, 2021, and becomes effective upon the date this Order is signed.

11. Plaintiff and all PAGA Aggrieved Employees, defined as all current and former non-exempt employees of Deltronic employed in California from April 3, 2019 to February 15, 2021 (the “PAGA Period”), will release and discharge Deltronic from any and all claims under the PAGA premised on the facts and/or allegations in Plaintiff’s letter to the LWDA dated April 3, 2020 that arose during the PAGA Period (the “PAGA Release”). The PAGA Aggrieved Employees will be issued a check for their share of the PAGA Amount as provided for in the Settlement Agreement and will not have the opportunity to opt out of, or object to, the PAGA Release. The PAGA Release is binding upon Plaintiff and all PAGA Aggrieved Employees once this Order is signed and payment of the PAGA Amount is made. Further, the PAGA Aggrieved Employees are bound by the PAGA Release regardless of whether they cash their PAGA check.

12. The Court orders that within 30 calendar days of this Order, Deltronic will deliver the Maximum Settlement Amount (\$900,000.00) to Phoenix Settlement Administrators (the “Settlement Administrator”), as provided for in the Settlement.

13. The Court finds that the Individual Settlement Payments, as provided for in the Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to distribute these payments in conformity with the terms of the Settlement.

14. The Court finds that the payment to the State of California Labor and Workforce Development Agency (“LWDA”) in the amount of \$37,500.00 for its 75% share of the civil penalties allocated under the PAGA is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute this payment in conformity with the terms of the Settlement.

15. The Court finds that the Class Representative’s Enhancement Payment in the amount of \$5,000.00 is appropriate in recognition of the risks Plaintiff undertook; for the amount of time and effort spent by Plaintiff as the Class Representative; for the general release provided by Plaintiff as part of the Settlement Agreement; and the service Plaintiff provided to the Class Members. The Court finds that this amount is fair, reasonable, and adequate, and orders that the Settlement Administrator make this payment in conformity with the terms of the Settlement.

1 16. The Court finds that attorneys' fees in the amount of \$300,000.00 and litigation
2 costs of \$19,334.96 for Class Counsel are fair, reasonable, and adequate, and orders that the
3 Settlement Administrator distribute these payments to Class Counsel in conformity with the terms
4 of the Settlement.

5 17. The Court orders that the Settlement Administrator be paid \$6,750.00 from the
6 Maximum Settlement Amount for all of its work done and to be done until the completion of this
7 matter, and finds that sum appropriate.

8 18. The Settlement Administrator will prepare a final accounting declaration which
9 will be filed no later than January 30, 2023. A Final Accounting Hearing will be held on February
10 8, 2023, at 1:30 p.m. in Department CX101 of the above-entitled Court.

11 19. This document will constitute a final judgment pursuant to California Rule of
12 Court 3.769(h) which provides, "If the court approves the settlement agreement after the final
13 approval hearing, the court must make and enter judgment. The judgment must include a
14 provision for the retention of the court's jurisdiction over the parties to enforce the terms of the
15 judgment. The court may not enter an order dismissing the action at the same time as, or after,
16 entry of judgment." The Court will retain jurisdiction to enforce the Settlement, the Final
17 Approval Order, and this Judgment, pursuant to California Rule of Court 3.769(h) and California
18 Code of Civil Procedure section 664.6.

19 20. Pursuant to California Rules of Court 3.771(b), notice of the Judgment will be
20 posted at <http://www.phoenixclassaction.com/gutierrez-v-deltronic-corp/>.

21 21. Plaintiff shall submit a copy of this Order and Judgment to the LWDA within ten
22 calendar days after entry of the Order and Judgment.

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Dated: _____

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