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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

LUIS SALINAS, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

MITSUBISHI MATERIALS U.S.A.
CORPORATION, a California Corporation;
and DOES 1 through 100,

Defendants.

Case No. 30-2020-01139886-CU-OE-CXC

*[Assigned for all purposes to Hon. Randall J.
Sherman, Dept. CX-105]*

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND FINAL JUDGMENT**

Date: September 16, 2022

Time: 10:00 a.m.

Dept: CX-105

Complaint Filed: April 1, 2020

FAC Filed: June 8, 2020

Trial Date: None set

1 This matter came on regularly for hearing before this Court on September 16, 2022 at
2 10:00 a.m., pursuant to California Rule of Court 3.769 and this Court’s earlier Order Granting
3 Preliminary Approval of Class Action Settlement (“Preliminary Approval Order”). Having
4 considered the parties’ Stipulation of Settlement (“Settlement Agreement”)¹ and the documents
5 and evidence presented in support thereof, and recognizing the sharply disputed factual and
6 legal issues involved in this case, the risks of further prosecution and the substantial benefits to
7 be received by the Settlement Class pursuant to the Settlement, the Court hereby makes a final
8 ruling that the proposed Settlement is fair, reasonable, and adequate, and is the product of good
9 faith, arm’s-length negotiations between the parties. Good cause appearing therefor, the Court
10 hereby GRANTS Plaintiff’s Motion for Final Approval of Class Action Settlement and
11 ORDERS as follows:

12 1. Final judgment is hereby entered in conformity with the Settlement Agreement
13 and this Final Approval Order.

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

17 All current and former non-exempt hourly employees employed by
18 Defendant Mitsubishi Materials U.S.A. Corporation (“Defendant”) at any
19 time in the State of California from April 1, 2017 to May 16, 2022 (the
20 “Class Period”).

21 3. Plaintiff Luis Salinas is hereby confirmed as the Class Representative, and Paul
22 K. Haines and Alexandra R. McIntosh of Haines Law Group, APC are confirmed as Class
23 Counsel.

24 4. Notice was provided to the Settlement Class as set forth in the Settlement, which
25 was preliminarily approved by the Court on May 16, 2022, and the notice process has been
26

27 ¹ All terms used in this Order and Final Judgment shall have the same meaning as that
28 assigned to them in the Settlement Agreement.

1 completed in conformity with the Court's Orders. The Court finds that said notice was the best
2 notice practicable under the circumstances. The Class Notice provided due and adequate notice
3 of the proceedings and matters set forth therein, informed Settlement Class members of their
4 rights, and fully satisfied the requirements of California Code of Civil Procedure §1781(e),
5 California Rule of Court 3.769, and due process.

6 5. The Court finds that no Settlement Class member objected to the Settlement, no
7 Settlement Class member has elected to opt-out of the Settlement, and that the 100%
8 participation rate in the Settlement supports final approval.

9 6. The Court hereby approves the Settlement as set forth in the Stipulation of
10 Settlement as fair, reasonable, and adequate, and directs the parties to effectuate the Settlement
11 Agreement according to its terms.

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

21 8. The Court orders that Defendant Mitsubishi Materials U.S.A. Corporation shall
22 deposit the Maximum Settlement Amount in the amount of \$342,578.57 with the Settlement
23 Administrator, Phoenix Settlement Administrators, within sixty (60) calendar days of the date of
24 this Order and Judgment.

25 9. The Court orders that any Individual Settlement Payments that remain uncashed
26 after 180 days after they are mailed shall be placed in a *cy pres* fund and awarded to
27 Community Legal Aid SoCal.

28 10. 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 the Individual Settlement Payments in conformity with the terms of the Settlement.

11. The Court finds that a Class Representative Enhancement Payment in the amount of \$7,500.00 to Plaintiff is appropriate for the risks undertaken and his service to the Settlement Class. The Court finds that the enhancement payment is fair, reasonable, and adequate, and orders that the Settlement Administrator make this payment in conformity with the terms of the Settlement.

12. The Court finds that attorneys' fees in the amount of \$114,192.86 and actual litigation costs of \$11,648.91 for Class Counsel, are fair, reasonable, and adequate, and orders the Settlement Administrator to distribute these payments to Class Counsel in conformity with the terms of the Settlement.

13. The Court finds that a payment to the Labor & Workforce Development Agency ("LWDA") in the amount of \$30,000.00 for the LWDA's share of civil penalties under the Labor Code Private Attorneys General Act is fair, reasonable, and adequate, and orders that the Settlement Administrator make this payment in conformity with the terms of the Settlement.

14. The Court orders that the Settlement Administrator shall be paid \$6,000.00 from the Maximum Settlement Amount for all of its work done and to be done until the completion of this matter, and finds that sum appropriate.

15. The Settlement is not an admission by Defendant, nor is this Order and Final Judgment a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order and Final Judgment, the Settlement, nor any document referred to herein, nor any action taken to carry out the Settlement, shall be construed or deemed an admission of liability, culpability, or wrongdoing on the part of Defendant.

16. As of the date of this Order and Final Judgment, all Settlement Class members who do not opt-out ("Participating Settlement Class members") will release and discharge Defendant, its present and former parent and affiliated companies, subsidiaries, shareholders, directors, officers, employees, agents, attorneys, insurers, successors and assigns ("Released Parties") from any and all claims that were pled in the operative First Amended Complaint or

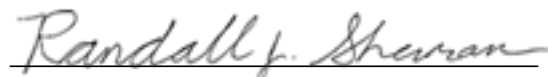
1 which could have been pled in the Action based on the factual allegations in the Action, that
2 arose during the Class Period (“Released Claims”) from Settlement Class members’
3 employment with Defendant. In addition, all Settlement Class members (whether or not they opt
4 out) will release Defendant from any and all claims under the PAGA that were pled in the
5 operative First Amended Complaint and that arose during the PAGA Period (“PAGA Released
6 Claims”). The Parties intend for the release to be effective to the fullest extent possible under
7 the law.

8 17. This document shall constitute a final judgment pursuant to California Rule of
9 Court 3.769(h) which provides, “If the court approves the settlement agreement after the final
10 approval hearing, the court must make and enter judgment. The judgment must include a
11 provision for the retention of the court’s jurisdiction over the parties to enforce the terms of the
12 judgment. The court may not enter an order dismissing the action at the same time as, or after,
13 entry of judgment.” The Court will retain jurisdiction to enforce the Settlement, and this Final
14 Approval Order and Judgment. The Settlement Administrator shall give notice of this Judgment
15 by posting this Final Judgment on its website.

16 18. The Settlement Administrator shall file a final report regarding distribution and
17 uncashed checks at least 16 days before the Final Report Hearing set for July 14, 2023.

18 **IT IS SO ORDERED.**

19 Dated: **September 16, 2022**

20 
21 Honorable Randall J. Sherman
22 Judge of the Superior Court
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