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Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nicholas Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa Street, Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder (State Bar No. 170131)
Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

Attorneys for Plaintiff, the Class, and Aggrieved Employees

FILED
Superior Court of California
County of Los Angeles
11/09/2022

Sherri R. Carter, Executive Officer / Clerk of Court
By: A. Lim Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

NICOLA ROMANO, as an individual and
on behalf of all others similarly situated,

Plaintiffs,

vs.

SSA TERMINALS, LLC, a Delaware
limited liability company; and DOES 1
through 50, inclusive,

Defendants.

Case No.: 20STCV29048

[Assigned for all purposes to the Hon. William F.
Highberger, Department 10]

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

Date: November 9, 2022
Time: 11:00 a.m.
Dept.: 10

Complaint Filed: July 30, 2020
Trial Date: None Set

1 Plaintiff Nicola Romano (“Plaintiff”) and Defendant SSA Terminals, LLC (“Defendant”)
2 (collectively, the “Settling Parties”) have entered into the Joint Stipulation of Class and
3 Representative Action Settlement and Release (“Settlement Agreement”) to settle the above-
4 captioned class action subject to the Court’s approval (the “Settlement”).

5 This matter is now before the Court on Plaintiff’s Motion for Final Approval of Class
6 Action Settlement. The Court has read, heard, and considered all the pleadings and documents
7 submitted, and the presentations made in connection with the motion which came on for hearing
8 on November 9, 2022.

9 **I. BACKGROUND**

10 On July 30, 2020, Plaintiff filed a class and representative action complaint against
11 Defendant in the Superior Court of the State of California for the County of Los Angeles. The
12 Complaint asserts causes of action for violation of Labor Code §§ 226(a) and 2698, *et seq.*, the
13 Private Attorneys General Act (“PAGA”), predicated on Defendant’s alleged violation of Labor
14 Code § 226(a). Plaintiff seeks penalties, attorneys’ fees, and costs.

15 **A. Settlement Class Members**

16 The “Settlement Class” is defined as “all current and former employees of Defendant
17 represented by the International Association of Machinists and Aerospace Workers (or “IAM”,
18 either at the local or national level) in California who received at least one wage statement from
19 Defendant at any time from, and including, April 6, 2019 to November 1, 2020.”

20 **B. Operation of the Settlement**

21 Pursuant to the Preliminary Approval Order dated June 21, 2022, this Court conditionally
22 certified the Class and granted preliminary approval to the Settlement. The Preliminary Approval
23 Order also approved of the proposed forms of notice and notice plan. The Court entered the
24 Preliminary Approval Order after review and consideration of all of the pleadings filed in
25 connection herewith and the oral presentations made by counsel at the hearing.

26 In compliance with the Preliminary Approval Order, the Notice Packet was sent to all
27 Settlement Class Members via U.S. first class mail. The notice process was timely completed.

28 This Court finds that the Settlement appears to be the product of serious, informed, non-

1 collusive negotiations, has no obvious deficiencies, and does not improperly grant preferential
2 treatment to any individuals. The Court finds that the Settlement was entered into in good faith
3 pursuant to California Code of Civil Procedure § 877.6. The Court further finds that the
4 Settlement is fair, reasonable, and adequate and that Plaintiff has satisfied the standards for final
5 approval of a class action settlement under California law. Under the provisions of California
6 Code of Civil Procedure § 382 and FRCP 23, as approved for use by the California state court in
7 *Vasquez v. Superior Court* (1971) 4 Cal. 3d 800, 821, the trial court has discretion to certify a
8 class where:

9 [Q]uestions of law or fact common to the members of the class
10 predominate over any questions affecting only individual
11 members, and that a class action is superior to the available
12 methods for the fair and efficient adjudication of the controversy
... Fed. R. Civ. Proc. 23.

13 Certification of a settlement class is the appropriate judicial device under these circumstances.

14 Based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS
15 FOLLOWS:

16 1. The Court, for purposes of this Order, adopts all defined terms and conditions as
17 set forth in the Settlement Agreement filed in this case.

18 2. The Court has jurisdiction over the subject matter of this litigation and the Class
19 Representative, the other members of the Settlement Class, and Defendant.

20 3. The Court finds that the dissemination of the Notice of Class and Representative
21 Action Settlement as disseminated to the Settlement Class Members, constituted the best notice
22 practicable under the circumstances to all persons within the definition of the Settlement Class,
23 and fully met the requirements of California law and due process under the United States
24 Constitution.

25 4. The Court approves the Settlement of the above-captioned action, as set forth in
26 the Settlement Agreement, as fair, just, reasonable, and adequate as to the Settling Parties. The
27 Settling Parties are directed to perform in accordance with the terms set forth in the Settlement
28 Agreement.

1 5. Except as otherwise provided in the Settlement Agreement, the Settling Parties
2 are to bear their own costs and attorneys' fees.

3 6. The Court hereby certifies the following Settlement Class for settlement purposes
4 only: all current and former employees of Defendant represented by the International Association
5 of Machinists and Aerospace Workers (or "IAM", either at the local or national level) in
6 California who received at least one wage statement from Defendant at any time from, and
7 including, April 6, 2019 to November 1, 2020.

8 7. With respect to the Settlement Class and for purposes of approving the settlement
9 only and for no other purpose, this Court finds and concludes that: (a) the members of the
10 Settlement Class are ascertainable and so numerous that joinder of all members is impracticable;
11 (b) there are questions of law or fact common to the Settlement Class, and there is a well-defined
12 community of interest among members of the Settlement Class with respect to the subject matter
13 of the claims in this litigation; (c) the claims of Class Representative is typical of the claims of
14 the members of the Settlement Class; (d) the Class Representative has fairly and adequately
15 protected the interests of the members of the Settlement Class; (e) a class action is superior to
16 other available methods for an efficient adjudication of this controversy; and (f) the counsel of
17 record for the Class Representative, *i.e.*, Class Counsel, are qualified to serve as counsel for the
18 Plaintiff in his individual and representative capacity and for the Settlement Class.

19 8. Defendant shall fund \$250,000.00 of the total Gross Settlement Amount pursuant
20 to the terms of the Settlement Agreement.

21 9. The Court approves the Individual Settlement Payment amounts, which shall be
22 distributed pursuant to the terms of the Settlement Agreement.

23 10. Defendant shall pay (a) to Class Counsel attorneys' fees in the amount of
24 \$83,333.33 and reimbursement of costs in the amount of \$9,867.53; (b) enhancement payment to
25 the Class Representative Nicola Romano in the amount of \$10,000.00; (c) the sum of \$7,500.000
26 to be paid to the California Labor and Workforce Development Agency for PAGA penalties; and
27 (d) \$10,000.00 to the Settlement Administrator, Phoenix Settlement Administrators, for the costs
28 relating to the settlement administration process in this matter. The Court finds that these

1 amounts are fair and reasonable. Defendant is directed to make such payments from the Gross
2 Settlement Amount and in accordance with the terms of the Settlement Agreement.

3 11. The Court hereby enters final judgment in this case in accordance with the terms
4 of the Settlement, Preliminary Approval Order, and this Order. Without affecting the finality of
5 the Settlement or Judgment entered, this Court shall retain exclusive and continuing jurisdiction
6 over the action and the Parties, including all Settlement Class Members, for purposes of
7 enforcing and interpreting this Order and the Settlement.

8 IT IS SO ORDERED AND ADJUDGED.

9 11/09/2022
10 DATED: _____



HON. WILLIAM F. HIGHBERGER
SUPERIOR COURT OF CALIFORNIA

12 Non-Appearance Case Review is set for 08/11/23 at 9:00 am with declaration from
13 claims administrator due on 08/04/23.