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RECEIVED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

APR 21 2023

Jasmin Bolanos

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

MAY 15 2023

BY   
RAFAEL HERNANDEZ, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF SAN BERNARDINO**

**SAN BERNARDINO DISTRICT**

MARIA VILLEGAS, individually, and  
on behalf of all others similarly situated,

Plaintiff,

v.

MYOJO USA, INC., a corporation;  
SQUARE ONE STAFFING; and DOES 1  
through 50, inclusive,

Defendants.

CASE NO. CIVDS2020848

[Assigned for all purposes to the Honorable  
David Cohn, Department S-26]

**~~PROPOSED~~ ORDER AND JUDGMENT  
GRANTING PLAINTIFF'S MOTION FOR  
FINAL APPROVAL**

1                                    **[PROPOSED] FINAL APPROVAL ORDER AND JUDGMENT**

2            On January 24, 2023, this Court issued an order granting preliminary approval of the  
3    proposed class action settlement between Maria Villegas, on behalf of herself and the Class  
4    (“Plaintiff”) and Myojo USA, Inc. (“Myojo”) and Square One Staffing (“Square One”).  
5    Defendants Myojo and Square One are herein collectively referred to as “Defendants.” Plaintiff  
6    now seeks an order granting final approval of the Class Action Settlement Agreement and  
7    Release (“Settlement Agreement”).

8            The Court conditionally certified the following Class (the “Class” or “Settlement Class”)  
9    for settlement purposes:

10           All non-exempt workers placed by Defendant Square One Staffing who worked at  
11           Defendant Myojo USA, Inc., in California at any time during the time period of September  
12           25, 2016, through October 22, 2022.

13           The Court appointed, for settlement purposes, the Law Office of Scott E. Wheeler, as  
14           Class Counsel, Plaintiff as representative for the Class, and Phoenix Settlement Administrators as  
15           the Settlement Administrator.

16           The Court further directed the Parties to provide notice to the Class, which informed Class  
17           Members of: (a) the proposed Settlement and the Settlement’s key terms; (b) the date, time, and  
18           location of the Final Approval Hearing; (c) the right of any Class Member to object to the  
19           proposed Settlement, and an explanation of the procedures to exercise that right; (d) the right of  
20           any Class Member to exclude themselves from the proposed Settlement, and an explanation of  
21           the procedures to exercise that right; and (e) an explanation of the procedures for Class Members  
22           to participate in the proposed Settlement.

23           Thereafter, Plaintiff filed an unopposed Motion for Final Approval of Class Action  
24           Settlement (“Motion for Final Approval”) and supporting documents. The Court, upon Notice  
25           having been given in full compliance with the Preliminary Approval Order, and having  
26           considered the proposed Settlement, as well as all papers filed in support of the Motion for Final  
27           Approval, hereby ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

28           1.        This Court has jurisdiction over the subject matter of the action and over all Parties  
         to the action, including all members of the Settlement Class.

2. The Settlement is in all respects fair, reasonable, and adequate, and it is hereby approved.

3. The Settlement Class, defined as: "All non-exempt workers placed by Defendant Square One Staffing who worked at Defendant Myojo USA, Inc., in California at any time during the time period of September 25, 2016, through October 22, 2022." is certified as a Class for settlement purposes.

4. The Notice provided to the Settlement Class conforms with the requirements of California Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other applicable law, and constitutes the best notice practicable under the circumstances, by providing individual notice to all Class Members who could be identified through reasonable effort, and by providing due and adequate notice of the proceedings and of the matters set forth therein to the other Class Members. The Notice fully satisfied the requirements of due process.

5. The Court finds the Settlement was entered into in good faith, that the Settlement is fair, reasonable, and adequate, and that the Settlement satisfies the standards and applicable requirements for final approval of this class action settlement under California law, including the provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule 3.769.

6. As set forth in the Declaration of Kevin Lee on behalf of Phoenix Settlement Administrators, no Class Members have objected to the Settlement and no Class Members have requested to be excluded from the Settlement. The positive response of the Class underscores that the Settlement is fair, reasonable, and adequate.

7. Upon entry of this Order, compensation to the participating members of the Settlement Class shall be effected pursuant to the terms of the Settlement Agreement.

8. In addition to any recovery that Plaintiff may receive as Settlement Class Member under the Settlement, and in recognition of Plaintiff's efforts on behalf of the Settlement Class, the Court hereby approves the payment of a class representative enhancement award to Plaintiff Maria Villegas in the amount of \$5,000 for her services as class representative, and Defendants

1 shall cause this sum to be paid to Plaintiff in accordance with the terms of the Settlement  
2 Agreement.

3 9. The Court finds that Class Counsel's requested litigation expenses in the amount  
4 of \$20,000.00 are reasonable and are hereby approved by the Court.

5 10. The Court finds that the requested attorneys' fees are reasonable under the  
6 percentage of the fund method. *See Laffitte v. Robert Half Internat, Inc.* (2016) 1 Cal.5th 480,  
7 503. Specifically, the Gross Settlement Fund of \$295,000 represents a true common fund, as there  
8 is no claims process and no money under the Settlement will revert to Defendants. The Court  
9 finds that one-third of the common fund, or \$98,235.00, is fair, reasonable and appropriate. The  
10 Court has also reviewed the Declarations of Scott E. Wheeler and Justin A. Wheeler and finds  
11 that Class Counsel has incurred a lodestar of \$203,881.25 The Court finds that the hours Class  
12 Counsel dedicated to litigating this case, and their requested hourly rates, are fair, reasonable and  
13 appropriate. Thus, the requested attorney's fees of \$98,235 are also reasonable under the lodestar  
14 method or common fund method.

15 11. The Court approves the payment of attorney's fees to Class Counsel in the amount  
16 of \$98,235.00 and reimbursement of reasonable litigation expenses in the amount of \$12,112.71  
17 and Defendants shall cause these sums to be paid to Class Counsel in accordance with the terms  
18 of the Settlement Agreement.

19 12. The Court approves the payment of actual settlement administration costs in the  
20 amount of \$12,750.00 to Phoenix Settlement Administrators, and Defendants shall cause this sum  
21 to be paid to Phoenix Settlement Administrators in accordance with the terms of the Settlement  
22 Agreement.

23 13. The Court approves and orders payment in the amount of \$37,500 (which  
24 represents 75% of the \$50,000 allocated for the PAGA payment) to the California Labor and  
25 Workforce Development Agency, which represents a fair and equitable sum for resolution of  
26 claims raised pursuant to California Labor Code section 2698 *et seq.*, and Defendants shall cause  
27 this sum to be paid to the LWDA in accordance with the terms of the Settlement Agreement.

28 14. The Gross Settlement Fund, the Net Settlement Fund, and the methodology used

1 to calculate and pay each Settlement Class Member's individual settlement payment are fair and  
2 reasonable, and the Court authorizes the Settlement Administrator to issue individual settlement  
3 payments to each Settlement Class Member in accordance with the terms of the Settlement  
4 Agreement.

5 15. Upon the Effective Date, Plaintiff and all members of the Settlement Class, shall  
6 have, by operation of this Order and the accompanying Judgment, fully, finally, and forever  
7 released, relinquished, and discharged Defendants from all Released Claims as defined by the  
8 terms of the Settlement.

9 16. Judgment in this matter is entered in accordance with the terms of the Settlement  
10 Agreement, the Court's Preliminary Approval Order, and this Final Approval Order against  
11 Defendants in favor of Plaintiff and the Settlement Class. This Judgment is intended to be a final  
12 disposition of the above captioned action in its entirety and is intended to be immediately  
13 appealable.

14 17. This Court shall retain jurisdiction with respect to all matters related to the  
15 administration and consummation of the Settlement, to enforce the terms of the judgment, and  
16 any and all claims, asserted in, arising out of, or related to the subject matter of the lawsuit,  
17 including but not limited to all matters related to the Settlement and the determination of all  
18 controversies relating thereto.

19 18. An OSC Re: Distribution with the terms of the Settlement is set for 5/15/24  
20 at 8:30 a.m. / p.m. in Department S-26. A report from Phoenix Settlement Administrators Re:  
21 Distribution of the Settlement funds shall be filed five court days before the scheduled OSC Re:  
22 Distribution.

23 19. Plaintiff's Motion for Final Approval is hereby granted and the Court directs that a  
24 judgment shall be entered in accordance with the terms of this Order.

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20. This document shall constitute a Judgment for purposes of California Rule of Court 3.769(h).

**IT IS SO ORDERED.**

DATED: 5.15.23

**DAVID COHN**

HONORABLE DAVID COHN  
JUDGE OF THE SUPERIOR COURT