

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Nelson Gonzalez
and Proposed Class Counsel

FILED
Superior Court of California
County of Los Angeles

FEB 01 2024

David W. Slayton, Executive Officer/Clerk of Court
By: L. Garcia, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, BURBANK COURTHOUSE

NELSON GONZALEZ, on behalf of
himself and all "aggrieved employees"
pursuant to Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

G.A.T. AIRLINE GROUND SUPPORT,
INC., an Alabama corporation, and DOES
1 through 10, inclusive,

Defendants.

CASE NO: 20BBCV00548

*Assigned to the Honorable Frank M. Tavelman,
Dept. A*

CLASS ACTION

~~PROPOSED~~ **ORDER AND JUDGMENT
GRANTING FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

DATE: February 1, 2024

TIME: 9:00 a.m.

DEPT.: A

Complaint Filed: September 6, 2020

1 Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on February 1, 2024. The above-captioned Action is a class action lawsuit brought
3 by Plaintiff Nelson Gonzalez ("Plaintiff") against Defendant G.A.T. Airline Ground Support, Inc.
4 ("Defendant") (collectively, the "Parties"). Plaintiff alleges, on behalf of a class of certain of
5 Defendant's current and former employees, that Defendant failed to provide rest periods or
6 compensation in lieu thereof, failed to pay wages due upon separation of employment, and failed
7 to comply with itemized wage statement provisions. Defendant denies any and all alleged
8 wrongdoing and denies any liability to Plaintiff or to members of the Class. Defendant contends
9 that that it has complied at all times with California law, including the California Labor Code, the
10 Industrial Commission Wage Orders, and the California Business and Professions Code.

11 On June 20, 2023, this Court entered an Order Granting Preliminary Approval of
12 Settlement, resulting in certification of the following provisional Settlement Class: all individuals
13 who are or previously were employed by Defendant in California who were classified as hourly
14 non-exempt employees during the period November 17, 2017, to December 31, 2022.

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

22 The Court, upon Notice having been given as required in the Preliminary Approval Order,
23 and having considered the Settlement Agreement and Release of Claims (the "Settlement"), as well
24 as all papers filed, hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

25 1. This Court has jurisdiction over the subject matter of the Action and over all Parties
26 to the Action, including all members of the Settlement Class and the Aggrieved Employees.
27
28

1 2. The Court finds that the Settlement Class is properly certified for settlement
2 purposes only.

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

10 4. The Court finds the settlement was entered into in good faith, that the Settlement is
11 fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable
12 requirements for final approval of this class action settlement under California law, including the
13 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
14 3.769.

15 5. The Court approves the Gross Settlement Amount of Four Hundred Thousand
16 Dollars (\$400,000).

17 6. Zero (0) Class Members have objected to the terms of the Settlement.

18 7. Eleven (11) Class Members have requested exclusion from the Settlement.

19 8. Upon entry of this Order, compensation to the pertinent Class Members and all
20 Aggrieved Employees shall be affected pursuant to the terms of the Settlement.

21 9. In addition to any recovery that Plaintiff may receive from the Net Settlement
22 Amount, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
23 hereby approves the payment of a Class Representative Enhancement to Plaintiff Nelson Gonzalez
24 in the amount of One Thousand Five Hundred Dollars (\$1,500). This shall be paid from the Gross
25 Settlement Amount.

26 10. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
27 One Hundred Thirty-Three Dollars and Thirty-Three Cents (\$133,333.33), and the reimbursement
28

1 of litigation expenses in the sum of Thirteen Thousand Forty Dollars and Twenty-Three Cents
2 (\$13,040.23). This shall be paid from the Gross Settlement Amount.

3 11. The Court approves and orders payment in the amount of Twenty-Eight Thousand
4 Dollars (\$28,000) to Phoenix Class Action Administration Solutions for performance of its
5 settlement administration services. This shall be paid from the Gross Settlement Amount.

6 12. The Court approves and orders payment in the amount of Thirty Thousand Dollars
7 (\$30,000) to the California Labor and Workforce Development Agency for its 75% share of PAGA
8 penalties, and Ten Thousand Dollars (\$10,000) to the Aggrieved Employees for their share of the
9 PAGA Payment. This shall be paid from the Gross Settlement Amount.

10 13. Upon the entry of this Order and Judgment, Plaintiff, all Class Members and all
11 Aggrieved Employees who did not exclude themselves from the Settlement, shall be bound by the
12 releases of claims as set forth in the Settlement. All participating Class Members, as of the Effective
13 Date, are hereby forever barred and enjoined from prosecuting the Class Member Released Claims
14 against the Released Parties. In addition, as of the Effective Date, Plaintiff, on behalf of herself, the
15 State of California, and all Aggrieved Employees are hereby forever barred and enjoined from
16 prosecuting the Released PAGA Claims against the Released Parties.

17 14. The following causes of action and/or claims are dismissed without prejudice as to
18 class members and with prejudice as to plaintiff Gonzalez only: First Cause of Action for Failure
19 to Pay All Minimum and Overtime Wages Due (Labor Code §§ 510, 1194, and 1194.2) and Sixth
20 Cause of Action for Civil Penalties Pursuant to Labor Code § 2698 et seq. for Violations of Labor
21 Code §§ 510 and 1194.

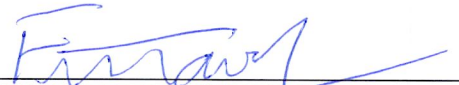
22 15. This "Judgment" is intended to be a final disposition of the above captioned action
23 in its entirety, and is intended to be immediately appealable.

24 16. This Court shall retain jurisdiction with respect to all matters related to the
25 administration and consummation of the Settlement, and any and all claims asserted in, arising out
26 of, or related to the subject matter of the lawsuit, including but not limited to all matters related to
27 the settlement and the determination of all controversies relating thereto.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: 2/1/2024



JUDGE OF THE SUPERIOR COURT
4858-5347-5465, v. 1
FRANK M. TAVELMAN