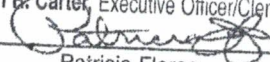


FILED
Superior Court of California
County of Los Angeles

SEP 10 2021

Sherri B. Carter, Executive Officer/Clerk of Court
By  Deputy
Patricia Flores

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Attorneys for Plaintiff and the Class

RECEIVED

AUG 17 2021

**SUPERIOR COURT OF THE STATE OF CALIFORNIA FILING WINDOW
FOR THE COUNTY OF LOS ANGELES**

CONSUELO ANDRADE, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

NOVACAP, LLC a Delaware Limited Liability
Company; and DOES 1 through 50, inclusive,

Defendants.

Case No. 20STCV21805

*Assigned For All Purposes to the Hon.
William F. Highberger, Dept. 10*

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

Date: September 10, 2021
Time: 11:00 a.m.
Location: 10

1 On March 17, 2021, Plaintiff CONSUELO ANDRADE (“Plaintiff”), on the one hand, and
2 Defendant NOVACAP, LLC, a Delaware Limited Liability Company (“Defendant”), on the other
3 hand, entered into a Joint Stipulation and Class Action Settlement Agreement and Release (the
4 “Stipulation” or “Settlement Agreement”).

5 Motion for Preliminary Approval

6 On March 25, 2021, Plaintiff filed a Motion for Preliminary Approval of Class Action
7 Settlement. On April 29, 2021, the Court granted preliminary approval of the Settlement. The
8 Court conditionally certified the following class for settlement purposes only:

9 “All current and former non-exempt California employees of Defendant who earned
10 overtime wages and non-discretionary incentive pay, including without limitation, ‘Goal’
11 incentives, in the same workweek at any time during the period of time from April 6, 2016 through
12 December 31, 2019.”

13 The Court appointed Diversity Law Group, P.C., Law Office of Choi & Associates and
14 David Lee Law as Class Counsel, Plaintiff as Class Representative, and Phoenix Class Action
15 Administrative Solutions as the “Administrator”. The Court also granted approval of the notice
16 procedures to be used for the Settlement.

17 Motion for Final Approval

18 Thereafter, on August 16, 2021, Plaintiff filed an unopposed Motion for Final Approval of
19 Class Action Settlement and Attorney’s Fees. The Court heard the Final Approval Motion on
20 September 10, 2021.

21 The Court, having considered all documents submitted in connection with preliminary and
22 final approval of the Settlement and all oral arguments presented by counsel for the Parties, and
23 with good cause appearing, finds and orders as follows:

24 **IT IS HEREBY FINALLY ORDERED, ADJUDGED, AND DECREED THAT:**

25 **1. Jurisdiction.** The Court has jurisdiction over the subject matter of the Action and
26 over all Parties to the Action, including all Class Members.

27 **2. Fair, Reasonable, and Adequate.** The Settlement is approved and the Parties
28 shall consummate the Settlement according to its terms. The Settlement was entered into in good

1 faith; it is fair, reasonable, and adequate; and it satisfies the standards and applicable requirements
2 for final approval under California law, including the provisions of California Code of Civil
3 Procedure section 382 and California Rules of Court, Rule 3.769, and Labor Code
4 Section 2699(1)(2).

5 **3. Class Certification.** The Settlement Class is properly certified as a class for
6 settlement purposes only.

7 **4. Incorporation.** The Settlement Agreement is incorporated herein and has the full
8 force and effect of an Order of this Court.

9 **5. Notice to Class Members.** Notice was provided to the Settlement Class in
10 compliance with the Settlement, California Code of Civil Procedure section 382, California Civil
11 Code section 1781, due process, California Rules of Court 3.766 and 3.769, the California and
12 United States Constitutions, and any other applicable law, and constitutes the best notice
13 practicable under the circumstances. The Notice: (i) fully and accurately informed Settlement
14 Class Members about the lawsuit and settlement; (ii) provided sufficient information so that
15 Settlement Class Members were able to decide whether to accept the benefits offered, opt out and
16 pursue their own remedies, or object to the proposed settlement; (iii) provided procedures for
17 Settlement Class members to file written objections to the proposed settlement; and (iv) provided
18 the final fairness hearing's time, date, and location. The Notice fully satisfied the requirements of
19 due process.

20 **6. Objections.** Zero (0) Class Members have objected to the terms of the Settlement.

21 **7. Exclusions.** Zero (0) Class Members, have timely requested exclusion from the
22 Settlement and are, thus, excluded and not bound by the Settlement or this Order.

23 **8. Class Counsel Fee.** Class Counsel Fee in the amount of \$41,666.67 is approved
24 and will be paid to (1) Diversity Law Group, P.C. in the amount of \$16,666.67; (2) Law Offices
25 of Choi & Associates in the amount of \$16,666.67; and (3) David Lee Law in the amount of
26 \$8,333.33.

27 **9. Class Counsel's Costs.** Class Counsel Costs in the amount of \$11,358.16 are
28 approved that will be paid as follows: (1) Diversity Law Group, P.C. in the amount of \$550.40;

(2) Law Offices of Choi & Associates in the amount of \$10,447.76; and (3) David Lee Law Offices in the amount of \$360.00.

10. Class Representative Enhancement Awards. Class Representative Enhancement Award in the amount of \$10,000.00 to Consuelo Andrade is approved.

11. Administrator Costs. Administrator Cost in the amount of \$7,500.00 to the Administrator is approved.

12. PAGA Allocation and Settlement. The PAGA Allocation in the amount of \$10,000.00 is approved. A payment in the amount of \$7,500.00 to the California Labor and Workforce Development Agency is approved. This amount represents a fair and equitable sum for resolution of representative claims raised pursuant to Labor Code § 2698, et seq. and the Settlement of these claims is approved.

13. Individual Settlement Payments. The methodology used to calculate and pay each Settlement Class Member's Individual Settlement Payment is fair and reasonable and, therefore, approved. The Administrator is authorized to distribute the Individual Settlement Payments to Settlement Class Members in accordance with the terms of the Settlement.

14. Unclaimed Funds. Pursuant to the newly amended provisions California Code of Civil Procedure Section 384, the Court determines that it is in the best interest of Settlement Class Members who do not receive their share of the settlement to have their share of the settlement sent to the California State Controller's Office for deposit in the unclaimed property fund in such Settlement Class Members names. The estimated Net Settlement Fund payable to Settlement Class Members is \$46,975.17. The parties shall file a compliance report with the Court by Sept. 9, 2022 verifying the amounts paid to class members and the amount of uncashed funds sent to the California State Controller's Office. *Non Appearance Case*

Renew 9/16/22 @ 9 am.
15. Retain Jurisdiction. Subject to confirmation by the Court shall retain continuing jurisdiction over the Action, and over all matters pertaining to the implementation, enforcement, administration, and interpretation of the terms of the Agreement and this Order. Except as provided to the contrary herein, any disputes or controversies arising out of or with respect to

1 interpretation, enforcement, or implementation of the Settlement shall be presented by motion to
2 the Court for resolution.
3

4 IT IS SO ORDERED, ADJUGED AND DECREED.

5
6 Dated:

9/10/2021

W.F. Highberger

Honorable William F. Highberger
Los Angeles Superior Court Judge