

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Plaintiff, Adrian Vides
2. Title of the proposed order:
[Proposed] Judgment and Order Granting Plaintiff's Motion for Final Approval of Class Action Settlement
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Motion for Final Approval
 - b. Date and time: June 10, 2022 at 10:00 a.m.
 - c. Place: Civil Complex Center
751 W Santa Ana Blvd.
Santa Ana, CA 92701
4. The proposed order was served on the other parties in the case.

(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:

Adrian Vides v. Celoseal Roofing, Inc., et al.

CASE NUMBER:

30-2020-01162478-CU-OE-CXC

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):

2155 Campus Drive, Suite 180 El Segundo, California 90245

b. My electronic service address is (*specify*): ncastillo@fullmanfirm.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):

Nancy Rader Whitehead, Esq.

Sherri Fanger McInnes, Esq.

b. To (*electronic service address of person served*): nwhitehead@employerlaw.com

c. On (*date*): May 16, 2022

☐ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: May 16, 2022

Nestor Castillo

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

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

ADRIAN VIDES, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

CELOSEAL ROOFING, INC., a California
Corporation; and DOES 1 through 100,

Defendants.

CASE NO. 30-2020-01162478-CU-OE-CXC

*[Case assigned for all purposes to the Hon.
Randall J. Sherman]*

**[PROPOSED] JUDGMENT AND ORDER
GRANTING PLAINTIFF'S MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT, ATTORNEYS' FEES AND
COSTS, AND CLASS REPRESENTATIVE
ENHANCEMENT PAYMENT**

Date: June 10, 2022
Time: 10:00 a.m.
Dept.: CX105

Action Filed: September 28, 2020
Trial Date: None Set

1 **[PROPOSED] JUDGMENT AND ORDER**

2 Plaintiff Adrian Vides' Motion for Final Approval of Class Action Settlement, Attorneys'
3 Fees and Costs, and Class Representative Enhancement Payment came on regularly for hearing
4 before this Court on June 10, 2022, at 10:00 a.m., pursuant to California Rule of Court 3.769 and
5 this Court's Order Granting Preliminary Approval of Class Action Settlement ("Preliminary
6 Approval Order"). Having considered the Stipulation of Settlement ("Settlement" or "Settlement
7 Agreement") previously filed on September 9, 2021, and all other documents and evidence
8 presented in support thereof, and recognizing the sharply disputed factual and legal issues
9 involved in this case, the risks of further prosecution, and the benefits to be received by the Class
10 Members pursuant to the Settlement, the Court hereby makes a final ruling that the proposed
11 Settlement is fair, reasonable, and adequate, and is the product of good faith, arms'-length
12 negotiations between the parties. Good cause appearing therefor, the Court hereby GRANTS
13 Plaintiff's Motion for Final Approval of Class Action Settlement and HEREBY ORDERS THE
14 FOLLOWING:

15 1. Final judgment is hereby entered in conformity with the Settlement and this
16 Court's Preliminary Approval Order.

17 2. The conditional class certification contained in the Preliminary Approval Order is
18 hereby made final, and the Court thus certifies, for purposes of the Settlement, the Settlement
19 Class defined as:

20 All current and former non-exempt employees who have worked for
21 Celoseal Roofing, Inc. ("Defendant") in California at any time between
22 April 6, 2016, and November 5, 2021 (the "Class Period"), and who have
23 not signed a general release.

24 3. Plaintiff Adrian Vides is hereby confirmed as the Class Representative and
25 Fletcher W. Schmidt, Paul K. Haines, and Andrew Rowbotham of Haines Law Group, APC are
26 hereby confirmed as Class Counsel.

27 4. Notice was provided to the Class Members as set forth in the Settlement
28 Agreement, which was approved by the Court on November 5, 2021, and the notice process has

1 been completed in conformity with the Court’s Preliminary Approval Order. The Court finds that
2 said notice constituted reasonable notice under the circumstances, and constituted valid, due, and
3 sufficient notice to all Class Members. The Notice of Class Action Settlement provided due and
4 adequate notice of the proceedings and matters set forth therein, informed Class Members of their
5 rights, and fully satisfied the requirements of California Code of Civil Procedure § 382, California
6 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and other
7 applicable law.

8 5. The Court finds that no Class Member objected to the Settlement and only 2
9 individuals requested to be excluded from the Settlement, resulting in a 98.9% participation rate.
10 The Court determines that this response supports final approval.

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

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

22 8. The Court finds that given the absence of objections, and objections being a
23 prerequisite to appeal, this Order shall be considered final as of the Effective Date (which is
24 defined in the Settlement Agreement as the date which the Court grants final approval of the
25 Settlement).

26 9. As of the date that this Judgment becomes final, all Class Members (except Fidel
27 Alvarez and Travis Edey, who opted-out of the Settlement), release and discharge Defendant, its
28 past and present officers, directors, shareholders, managers, employees, agents, principals,

1 spouses, heirs, representatives, accountants, auditors, consultants, and its respective successors
2 and predecessors in interest, subsidiaries, affiliates, parents and attorneys (collectively
3 “Defendant’s Releasees”), from all claims, demands, rights, liabilities and causes of action that
4 were pled in the operative complaint in the class and representative lawsuit titled *Adrian Vides v.*
5 *Celoseal Roofing, Inc.*, Orange County Superior Court, Case No. 30-2020-01162478-CU-OE-
6 CXC (“the Action”), or which could have been pled in the operative complaint in the Action
7 based on the factual allegations therein, that arose during the Class Period (collectively the
8 “Released Claims”). The time period covered by this release is April 6, 2016, to November 5,
9 2021.

10 10. The Court orders Defendant to deposit the entire Maximum Settlement Amount of
11 \$265,000.00 with Phoenix Settlement Administrators (the “Settlement Administrator”) within 30
12 calendar days of the date of this Order.

13 11. The Court finds that the payment to the State of California Labor and Workforce
14 Development Agency (“LWDA”) in the amount of \$37,500.00 for its 75% share of the civil
15 penalties allocated under the PAGA is fair, reasonable, and adequate, and orders the Settlement
16 Administrator to distribute this payment in conformity with the terms of the Settlement.

17 12. The Court finds that the Class Representative Enhancement Payment in the
18 amount of \$5,000.00 is appropriate in recognition of the risks Plaintiff undertook; for the amount
19 of time and effort spent by Plaintiff as the Class Representative; and the service Plaintiff provided
20 to the Class Members. The Court finds that this amount is fair, reasonable, and adequate, and
21 orders that the Settlement Administrator make this payment in conformity with the terms of the
22 Settlement.

23 13. The Court finds that attorneys’ fees in the total amount of \$88,333.33 and litigation
24 costs of \$8,227.30 for Class Counsel are fair, reasonable, and adequate. The Court orders the
25 Settlement Administrator to distribute these payments to Class Counsel in conformity with the
26 terms of the Settlement.

1 14. The Court orders that the Settlement Administrator shall be paid \$7,500.00 from
2 the Maximum Settlement Amount for all of its work done and to be done until the completion of
3 this matter and finds that sum appropriate.

4 15. The Court finds that the Individual Settlement Payments, as provided for in the
5 Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to
6 distribute these payments in conformity with the terms of the Settlement.

7 16. Any funds from Individual Settlement Payment checks remaining uncashed after
8 the 180-day check-cashing deadline will be distributed to Community Legal Aid SoCal, a
9 501(c)(3) cy pres dedicated to providing legal services to the indigent population of Orange and
10 Southeast Los Angeles Counties.

11 17. This document shall constitute a final judgment pursuant to California Rule of
12 Court 3.769(h) which provides, “If the court approves the settlement agreement after the final
13 approval hearing, the court must make and enter judgment. The judgment must include a
14 provision for the retention of the court’s jurisdiction over the parties to enforce the terms of the
15 judgment. The court may not enter an order dismissing the action at the same time as, or after,
16 entry of judgment.” The Court will retain jurisdiction to enforce the Settlement, the Final
17 Approval Order, and this Judgment, pursuant to California Rule of Court 3.769(h) and California
18 Code of Civil Procedure § 664.6.

19 18. Plaintiff will submit to the Court a final report in the form of a declaration from
20 the Settlement Administrator on or before February 17, 2023, setting forth the total amount that
21 was paid to Class Members and the number and amount of any uncashed checks. The Court will
22 hold a non-appearance case review on March 3, 2023, to review the report and determine if any
23 further reports or hearings are necessary, as well as to amend the judgment to direct the Settlement
24 Administrator to submit the funds from any uncashed checks to Community Legal Aid SoCal,
25 including any interest accrued on said uncashed funds.

26 **IT IS SO ORDERED.**

27 Dated: _____, 2022

Honorable Randall J. Sherman
Judge of the Superior Court