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FILED
 Superior Court of California
 County of Los Angeles

10/10/2023

David W. Slayton, Executive Officer / Clerk of Court

By: I. Arellanes Deputy

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

MARIA TERESA PEREZ, as an individual and
 on behalf of all others similarly situated,

Plaintiff,

vs.

ADVANCED BIONICS, LLC, a Delaware
 corporation; and DOES 1 through 100,

Defendants.

Case No. 20STCV26408

*[Assigned for all purposes to the Hon.
 Kenneth R. Freeman, Dept. SSC-14]*

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

Date: September 26, 2023

Time: 10:00 a.m.

Dept: SSC-14

Complaint Filed: July 14, 2020

Trial Date: None set.

1 **~~[AMENDED PROPOSED]~~ ORDER & JUDGMENT**

2 The Motion of Plaintiff Maria Teresa Perez (“Plaintiff”) for Final Approval of Class
3 Action Settlement, Class Representative Incentive Award, and Attorneys’ Fees and Costs (“Final
4 Approval Motion”) came on regularly for hearing before this Court on September 26, 2023, at
5 10:00 a.m., pursuant to California Rule of Court 3.769 and this Court’s earlier Order Granting
6 Preliminary Approval of Class Action Settlement (“Preliminary Approval Order”). Having
7 considered the parties’ Settlement Agreement (the “Settlement”), and the 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 substantial benefits to be received
10 by the Settlement Class pursuant to the Settlement, the Court hereby makes a final ruling that the
11 Settlement is fair, reasonable, and adequate, and is the product of good faith, arm’s-length
12 negotiations between the parties. Good cause appearing therefor, the Court hereby GRANTS
13 Plaintiff’s Final Approval Motion and hereby ORDERS the following:

14 1. Final judgment is hereby entered in conformity with the Settlement Agreement
15 and this Final Approval Order.

16 2. The conditional class certification is hereby made final, and the Court thus
17 certifies, for purposes of the Settlement, the following Settlement Class:

18 All current and former non-exempt employees who worked for Advanced
19 Bionics, LLC (“AB”) in California at any time from April 6, 2016 through
July 9, 2021 (the “Class Period”).

20 3. Plaintiff is hereby confirmed as Class Representative. Paul K. Haines and
21 Alexandra R. McIntosh of Haines Law Group, APC are hereby confirmed as Class Counsel.

22 4. Notice was provided to Settlement Class members as set forth in the Settlement
23 Agreement, which was approved by the Court on January 11, 2023, and the notice process has
24 been completed in conformity with the Settlement Agreement and the Court’s Preliminary
25 Approval Order. The Court finds that said notice was the best notice practicable under the
26 circumstances. The Class Notice provided due and adequate notice of the proceedings and matters
27 set forth therein, informed Settlement Class members of their rights, and fully satisfied the
28 requirements of California Code of Civil Procedure § 1781(e), California Rule of Court 3.769,

1 and due process.

2 5. The Court finds that no Settlement Class member objected to the Settlement, that
3 no Settlement Class member opted out of the Settlement, and that the 100% participation rate in
4 the Settlement supports final approval.

5 6. The Court hereby approves the settlement as set forth in the Settlement as fair,
6 reasonable, and adequate, and directs the parties to effectuate the Settlement according to its
7 terms.

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

17 8. The Court finds that the Individual Settlement Awards, as provided for in the
18 Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to
19 distribute the Individual Settlement Awards in conformity with the terms of the Settlement.

20 9. The Court orders Defendant Advanced Bionics, LLC (“AB” or “Defendant”) to
21 deposit the Gross Settlement Amount of \$3,057,762.70 with the Settlement Administrator,
22 Phoenix Settlement Administrators, within thirty (30) calendar days of the Effective Date.

23 10. The Court finds that an Incentive Award in the amount of \$7,500.00 to Plaintiff is
24 appropriate for Plaintiff’s risks undertaken and her service to the Settlement Class. The Court
25 finds that this payment is fair, reasonable, and adequate, and orders that the Settlement
26 Administrator make this payment in conformity with the terms of the Settlement.

27 11. The Court finds that attorneys’ fees in the amount of \$1,019,254.23 and litigation
28 costs of \$47,303.01 for Class Counsel are fair, reasonable, and adequate in light of the common

1 fund created by the Settlement, and orders that the Settlement Administrator distribute these
2 payments to Class Counsel in conformity with the terms of the Settlement.

3 12. The Court orders that the Settlement Administrator shall be paid \$11,000.00 from
4 the Gross Settlement Amount in conformity with the terms of the Settlement, for all of its work
5 done and to be done until the completion of this matter and finds that sum appropriate.

6 13. The Court finds that the payment to the California Labor & Workforce
7 Development Agency (“LWDA”) in the amount of \$112,500.00 for its share of the settlement of
8 Plaintiff’s representative claim under the PAGA is fair, reasonable, and adequate, and orders the
9 Settlement Administrator to distribute this payment to the LWDA in conformity with the terms
10 of the Settlement.

11 14. This Court orders that any settlement checks shall be negotiable for 180 calendar
12 days from the date of issuance of the check, and that any settlement checks that remain uncashed
13 after 180 days after they are mailed shall be distributed to the Controller of the State of California
14 to be held pursuant to the Unclaimed Property Law, California Civil Code § 1500 *et seq.*, in the
15 name of the Settlement Class member to whom the check was issued.

16 15. As of the Effective Date and upon Defendant’s complete funding of the Gross
17 Settlement Amount, Plaintiff and every participating Settlement Class member will release and
18 discharge AB, and its current and former officers, directors, and agents, and the successors and
19 assigns of all such entities and individuals (“Released Parties”), for the duration of the Class
20 Period, from any and all causes of action, claims, rights, damages, punitive or statutory damages,
21 penalties, liabilities, expenses, and losses under California law that were alleged in the operative
22 complaint in the Action or that could have been alleged based on the facts alleged in the operative
23 complaint in the Action including, but not limited to: (a) any alleged failure by AB (1) to pay
24 minimum wages; (2) to pay overtime wages; (3) to provide meal periods or compensation in lieu
25 thereof; (4) to authorize and permit rest periods or compensation in lieu thereof; (5) to provide
26 compliant wage statements; (6) to timely pay wages at the end of alleged employment; (b) any
27 right or claim for unfair business practices in violation of California Business & Professions Code
28 sections 17200, *et seq.*, based on the alleged failures set forth in (a)(1) through (a)(6) above; and

(c) any violation of the California Labor Code arising from or related to the conduct alleged in (a)(1) through (a)(6) above, including, without limitation, violation of California Labor Code sections 201–204, 226, 226.7, 510, 512, 516, 558, 1182.12, 1174, 1194, 1194.2, 1197, 1197.1, 1198, or any other state statute, rule and/or regulation (Wage Order) during the Class Period (“California Released Claims”). In addition, all Settlement Class members (whether or not they opt out) who worked for AB in California at any point from April 6, 2019 through July 9, 2021 (the “PAGA Period”) shall release any right or claim pursuant to the Private Attorneys General Act of 2004, California Labor Code sections 2698, *et seq.* (the “PAGA”), arising during the PAGA Period based on the facts alleged in the Complaint and Plaintiff’s PAGA letter or that could have been alleged based on the facts alleged in the Complaint and in Plaintiff’s PAGA letter (“PAGA Released Claims”).

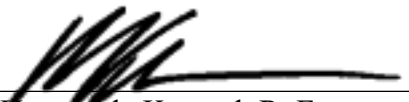
16. This document shall constitute a final judgment pursuant to California Rule of Court 3.769(h), which provides, “If the court approves the settlement agreement after the final approval hearing, the court must make and enter judgment. The judgment must include a provision for the retention of the court’s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

17. Plaintiff shall file a Final Disbursement Declaration by July 3, 2024 at 12:00 p.m. A Non-Appearance Case Review Re: Filing of Final Disbursement Declaration is set for July 5, 2024 at 4:00 p.m.

IT IS SO ORDERED.

Dated: 10/10/2023, 2023




Honorable Kenneth R. Freeman
Judge of the Superior Court
Kenneth R. Freeman / Judge