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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF ORANGE

12 DANIEL TRAN, as an individual and on behalf
13 of all others similarly situated,

14 Plaintiff,

15 vs.

16
17 SILLIKER, INC., a California corporation; and
18 DOES 1 through 100,

19 Defendants.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

AUG 16 2021

DAVID H. YAMASAKI, Clerk of the Court

BY:  DEPUTY

Case No. 30-2019-01102027-CU-OE-CXC

CLASS ACTION

*[Assigned for all purposes to the Hon.
William D. Claster, Dept. CX-104]*

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

Date: August 6, 2021

Time: 9:00 a.m.

Dept.: CX-104

Action Filed: October 2, 2019

Trial Date: None Set

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

2 The Motion of Plaintiff Daniel Tran ("Plaintiff") for Final Approval of Class Action
3 Settlement, Class Representative's Service Award, and Attorneys' Fees and Costs ("Final
4 Approval Motion") came on regularly for hearing before this Court on August 6, 2021 at 9:00
5 a.m., pursuant to California Rule of Court 3.769 and this Court's prior Order Granting Preliminary
6 Approval of Class Action Settlement. Having considered the parties' Stipulation of Class Action
7 Settlement ("Settlement Agreement" or "Settlement")¹ and the documents and evidence presented
8 in support thereof, and recognizing the sharply disputed factual and legal issues involved in this
9 case, the risks of further prosecution, and the substantial benefits to be received by the Settlement
10 Class 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, 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 and this Final
15 Approval Order.

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

18 All current and former non-exempt employees employed by Defendant
19 Silliker, Inc. in California from October 2, 2015 to March 2, 2021 (the
"Class Period").

20 3. Plaintiff Daniel Tran is hereby confirmed as Class Representative. Paul K. Haines
21 and Sean M. Blakely 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 March 2, 2021, and the notice process has been
24 completed in conformity with the Settlement Agreement and with this Court's orders. The Court
25 finds that said notice was the best notice practicable under the circumstances. The Class Notice
26

27 ¹ All terms used in this Order shall have the same meaning as that assigned to them in the
28 Settlement.

1 provided due and adequate notice of the proceedings and matters set forth therein, informed
2 Settlement Class members of their rights, and fully satisfied the requirements of California Code
3 of Civil Procedure § 1781(e), California Rule of Court 3.769, and due process.

4 5. The Court finds that no Settlement Class member objected to the Settlement, that
5 only three (3) Settlement Class members, Norman Corlett, Samuel Flores, and Aurora Panescu,
6 opted out of the Settlement, and that the 99.41% participation rate in the Settlement supports final
7 approval.

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

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

20 8. The Court finds that given the absence of objections, and objections being a
21 prerequisite to appeal, this Order shall be considered final as of the date it is signed by this Court.

22 9. The Court orders that within thirty (30) days of entry of this Order, Defendant
23 Silliker, Inc. ("Defendant") shall deposit the Gross Settlement Amount of \$945,000.00 into an
24 account established by Phoenix Settlement Administrators ("Settlement Administrator"), as
25 provided for in the Settlement Agreement.

26 10. The Court finds that the Individual Settlement Awards, as provided for in the
27 Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to
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1 distribute the individual payments in conformity with the terms of the Settlement Agreement.

2 11. The Court finds that a service award to Plaintiff in the amount of \$5,000.00 is
3 appropriate for his risks undertaken and his service to the Settlement Class. The Court finds that
4 such award is fair, reasonable, and adequate, and orders that the Settlement Administrator make
5 this payment in conformity with the terms of the Settlement Agreement.

6 12. The Court finds that attorneys' fees in the total amount of \$315,000.00, and actual
7 litigation costs of \$18,690, are fair, reasonable, and adequate, and orders that the Settlement
8 Administrator distribute these payments to Class Counsel in conformity with the terms of the
9 Settlement Agreement.

10 13. The Court orders that the Settlement Administrator shall be paid \$11,000.00 from
11 the Gross Settlement Amount for all of its work done and to be done until the completion of this
12 matter, and finds that sum appropriate.

13 14. The Court finds that the payment to the California Labor & Workforce
14 Development Agency ("LWDA") in the amount of \$37,500.00 for its share of the settlement of
15 Plaintiff's representative action under the California Labor Code Private Attorneys General Act
16 ("PAGA") is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute
17 this payment to the LWDA in conformity with the terms of the Settlement.

18 15. Any settlement funds that remain uncashed after 180 days after they are mailed
19 shall escheat to the State Controller to be deposited in the Unclaimed Property Fund for the benefit
20 of the Settlement Class member whose check was not cashed.

21 16. The Settlement is not an admission by Defendant, nor is this Order a finding of the
22 validity of any allegations or of any wrongdoing by Defendant. Neither this Order, the Settlement,
23 nor any document referred to herein, nor any action taken to carry out the Settlement, shall be
24 construed or deemed an admission of liability, culpability, or wrongdoing on the part of
25 Defendant.

26 17. The Court finds and determines that upon satisfaction of all obligations under the
27 Settlement and this Order and Judgment, all Settlement Class members, except for Norman
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1 Corlett, Samuel Flores, and Aurora Panescu, who timely submitted Requests for Exclusion, are
2 bound by the Settlement, have released their claims as set forth in the Settlement, and are
3 permanently barred from prosecuting against Defendant any individual or class claims released
4 pursuant to the Settlement.

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

12 19. Plaintiff shall submit a final report of disbursement by March 18, 2022, setting
13 forth the actual amounts paid to Settlement Class members and other amounts disbursed pursuant
14 to the Settlement.

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16 **IT IS SO ORDERED.**

17 Dated: 8-16-21
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18 Honorable William D. Claster
19 Judge of the Superior Court
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Orange County Superior Court Case No. 30-2019-01102027-CU-OE-CXC

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 2155 Campus Drive, Suite 180, El Segundo, California 90245.

On August 6, 2021, I served the foregoing document(s) described as:

[AMENDED PROPOSED] FINAL JUDGMENT AND ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT, CLASS REPRESENTATIVE'S SERVICE AWARD, AND ATTORNEYS' FEES AND COSTS

on the interested party(ies) in this action as follows:

Elizabeth A. Brown, Esq.
Email: lisabrown@gbgllp.com
GBG LLP
633 West 5th Street, Suite 3330
Los Angeles, California 90071
Attorneys for Defendant SILLIKER, INC.

[X] (VIA ELECTRONIC MAIL) Pursuant to California Rule of Court 2.251(c), I caused the document described above to be sent to the persons at the electronic service addresses listed above via third party cloud service One Legal.

[X] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 6, 2021, at El Segundo, California.

Aaron Clark
Aaron Clark