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Filed

BRANDON E. RILEY, CLERK



By

*Brandon E. Riley*

DEPUTY

*Attorneys for Plaintiff* SPENCER BICE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN JOAQUIN

SPENCER BICE,

Plaintiff,

v.

VENSURE HR, INC., a corporation; VENSURE  
EMPLOYER SERVICES, INC., a corporation,  
and DOES 1-100, inclusive,

Defendants.

Case No.: STK-CV-UOE-2016-1264

~~PROPOSED~~ ORDER GRANTING FINAL  
APPROVAL OF PARTIAL CLASS ACTION  
SETTLEMENT AND MOTION FOR  
ATTORNEYS' FEES AND COSTS

Plaintiff Spencer Bice's, ("Plaintiffs") Motion for Final Approval of Partial Class Action Settlement ("Motion for Final Approval") and Motion for Attorneys' Fees and Costs ("Fee Motion") came on for hearing on June 8, 2022, at 9:00 a.m. in Department 11 B of the above-entitled Court. Appearances are as reflected in the record. The Court, having fully and carefully considered Plaintiffs' Motion for Final Approval and Fee Motion, the memoranda and declarations in support thereof, the Parties' Class Action Settlement Agreement and Release of Claims (the "Settlement"),

1 and the oral arguments made at the hearing, hereby makes the following determinations and orders<sup>1</sup>:

2 1. Plaintiff's Motion for Preliminary Approval was granted on March 8, 2022.

3 Plaintiff's Motion for Final Approval and Motion for Attorneys' Fees, Costs and Service Payments  
4 were timely filed. No objections were filed by any Class Members.

5 2. The Court finds that the Settlement was reached after arm's-length negotiations  
6 between the Parties, the proposed Settlement was concluded only after counsel for the Parties  
7 conducted adequate investigation and formal and informal discovery; and the Settlement of this  
8 action, as embodied in the terms of the Settlement, is finally approved as fair, reasonable, and  
9 adequate and in compliance with all applicable requirements of the California Code of Civil  
10 Procedure, particularly section 382, and any other applicable law, and in the best interests of the  
11 Class Members.

12 3. Plaintiff Spencer Bice is confirmed as Class Representative.

13 4. Mayall Hurley P.C., by and through lead counsel Robert J. Wasserman, William J.  
14 Gorham, Nicholas J. Scardigli, Jenny D. Baysinger, and Vladimir J. Kozina, is appointed as Class  
15 Counsel.

16 5. Atticus Administration, LLC ("Atticus") is confirmed as Settlement Administrator of  
17 the Settlement and is instructed to administer the Settlement pursuant to its express terms.

18 6. The class of employees covered by the Parties' Settlement consists of the following:

19 All current and former California employees of Defendant VIM HR who received one or more  
20 itemized wage statements within the meaning of Labor Code section 226(a) from January 26,  
2015 through April 1, 2016.

21 7. Prior to granting the preliminary approval, the Court evaluated the standards for class  
22 certification. Nothing has been raised subsequently that might affect the Court's prior analysis as to  
23 whether certification is appropriate here, and the Court has no cause to revisit that analysis. The  
24 Court finds that final certification as to the Class on Plaintiff's Breach of Contract Claims is  
25

26  
27 <sup>1</sup> All terms used in this Order Granting Final Approval of Class Action Settlement (the "Order") shall have the same  
28 meanings given those terms in the Parties' Class Action Settlement Agreement and Release of Claims ("Settlement  
Agreement" or "Settlement"), a copy which is attached as **Exhibit 1** to the Declaration of Vladimir J. Kozina in Support  
of Plaintiff's Motion for Final Approval and Motion for Fees, Costs and Service Payments.

1 appropriate under California Rules of Court, Rule 3.769 and California Code of Civil Procedure  
2 section 382.

3 8. The Court reviewed the Class Notice ("Notice") that was proposed when the Parties  
4 sought preliminary approval of the settlement and found it sufficient. The Court-approved Class  
5 Notice informed the Class Members of the Settlement terms, the claims he/she would be releasing if  
6 he/she elected to participate in the Settlement, his/her rights to opt-out of, comment on, or object to  
7 the Settlement, and his/her rights to appear at the Final Approval Hearing and be heard regarding the  
8 Settlement. Adequate periods of time to respond and to act were provided by each of these  
9 procedures. A dedicated toll-free phone number was created and maintained, which provided Class  
10 Members the ability to obtain additional information regarding the Settlement and to access pertinent  
11 pleadings.

12 9. No objection to any component of the Settlement was raised by any Class Member.

13 10. The Claims Administrator sent Notice to 1,183 individuals on August 24, 2020.  
14 Notice was effectuated on 87.91% of Class Members, or 1,054 individuals.

15 11. The Court concludes that adequate notice was provided to the vast majority of the  
16 Class Members here. *Silber v. Mabon*, 18 F.3d 1449, 1453–54 (9th Cir. 1994) (noting the court need  
17 not ensure all class members receive actual notice, only that "best practicable notice" is given);  
18 *Winans v. Emeritus Corp.*, No. 13-cv-03962-HSG, 2016 WL 107574, at \*3 (N.D. Cal. Jan. 11,  
19 2016). The Court finds sufficient notice has been provided so as to satisfy due process.

20 12. No individuals elected to exclude themselves from the Settlement.

21 13. The Court approves payment to Atticus in the amount of \$10,000.

22 14. The Court approves payment of Service Payments of \$1,000 to Class Representative  
23 Spencer Bice.

24 15. Class Counsel's request for attorneys' fees in the amount of \$6,940.31, or 10.7% of  
25 the Gross Settlement Amount, is approved. Class Counsel also provided the Court with the  
26 materials necessary to perform a lodestar cross-check. Because the fees requested are appropriate  
27 under both the common fund and lodestar methods, this Court grants this request.  
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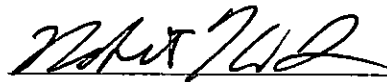
1           16.     Class Counsel's request for \$14,726.36 in costs is approved. The Court has  
2 reviewed the documentation supporting this cost request and finds that the costs were reasonably  
3 incurred in the prosecution of this action.

4           17.     In accordance with the terms of the Settlement, as of the Effective Date, Participating  
5 Class Members will forever and completely release and discharge Defendants Vensure HR, Inc. and  
6 Vensure Employer Services, Inc. and Released Parties from the Released Claims. SA ¶ 58.  
7 Additionally, Plaintiffs will release Defendants Vensure HR, Inc. and Vensure Employer Services,  
8 Inc. and Released Parties from the Released PAGA Claims. SA ¶ 59.

9           18.     Participating Class Members shall be permanently enjoined and restrained from and  
10 against initiating or pursuing against Defendants Vensure HR, Inc. and Vensure Employer Services  
11 any individual, representative, or class claims released by this Settlement.

12           19.     Final Judgment as to the Vensure Defendants is hereby entered based on the Parties'  
13 Settlement. The Court retains jurisdiction, however, to enforce the terms of the Settlement, and  
14 ensure that its terms and this Order are carried out.

15 Dated: 6/13/2022

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18 Judge of the Superior Court  
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