

KINGSLEY & KINGSLEY, APC
ERIC B. KINGSLEY, Esq., (SBN 185123)
eric@kingsleykingsley.com
KELSEY M. SZAMET, Esq., (SBN 260264)
kelsey@kingsleykingsley.com
16133 Ventura Blvd., Suite 1200
Encino, CA 91436
Telephone: (818) 990-8300
Fax: (818) 990-2903

TOJARIEH LAW FIRM, PC
JOSEPH TOJARIEH Esq., (SBN 71075)
jft@tojariehlaw.com
10250 Constellation Boulevard, Suite 100
Los Angeles, CA 90067
Telephone: (310) 553-5533 x 1001
Fax: (310) 553-5536

Attorneys for Plaintiff Roberto Gonzalez Sanchez, on
Behalf of all other similarly situated aggrieved employees

[Additional Counsel Listed on Next Page]

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

ROBERTO GONZALEZ SANCHEZ, on
behalf of all other similarly situated aggrieved
employees,

PLAINTIFF,

v.

OAKLEY, INC.; and DOES 1 thru 50,
inclusive,

DEFENDANTS.

YESSICA TRUJILLO, on behalf of all other
similarly situated aggrieved employees

PLAINTIFF,

v.

OAKLEY, INC., a Washington corporation;
and DOES 1 through 100, Inclusive,

DEFENDANTS.

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

JUN 28 2022

DAVID H. YAMASAKI, Clerk of the Court

BY: CTH, DEPUTY

CASE NO. 30-2020-01139833-CU-OE-CXC [lead
case]

Completely Consolidated with Case No. 30-2020-
01150691-CU-OE-CXC

[Case Assigned for All Purposes to The Hon. William
D. Claster in Dept. CX-104]

**SECOND AMENDED [PROPOSED] ORDER AND
JUDGMENT FOR APPROVAL OF SETTLEMENT
UNDER PRIVATE ATTORNEYS GENERAL ACT
("PAGA")**

Hearing Date: June 24, 2022
Time: 9:00 a.m.
Dept. CX104
Reservation No. 73695834

Complaint Filed: March 23, 2020
FAC Filed: May 27, 2020
SAC Filed: February 4, 2021
TAC Filed: January 18, 2022
Trial Date: None Yet

1 Bruce Kokozyan, Esq. (SBN 195723)
2 **KOKOZIAN LAW FIRM, APC**
3 10940 Wilshire Blvd., Ste. 1200
4 Los Angeles, CA 90024
5 Telephone: (323) 857-5900
6 Facsimile: (310) 275-6301
7 Email: bkokozyan@kokozyanlawfirm.com

8 Attorneys for Plaintiff Yessica Trujillo
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROPOSED ORDER AND JUDGMENT

Plaintiff Roberto Gonzalez Sanchez and Yessica Trujillo's ("Plaintiffs") Motion for Approval of Settlement Pursuant to the Private Attorneys General Act of 2004 ("PAGA") and for Attorneys' Fees and Costs ("PAGA Settlement Approval Motion") was heard on June 24, 2022 in Department CX-104 of the above-entitled Court, the Hon. William D. Claster presiding. After consideration of the pleadings filed in connection with the PAGA Settlement Approval Motion, oral arguments, the complete file and record of this case, and other evidence that was presented at or before the hearing on the PAGA Settlement Approval Motion, the Court hereby ORDERS, AJUDGES AND DECREES as follows:

1. The Motion is Granted as follows;
2. The Court has jurisdiction over the subject matter of the action and overall Parties thereto, including the aggrieved employees;
3. The Court finds that the settlement memorialized in the Settlement Agreement (Settlement and Release) and Exhibit 1 and Exhibit 2 (first and second amendments) attached thereto has been reached as a result of informed and non-collusive arm's-length negotiations, will avoid additional and potentially substantial litigation costs and delays, and appears to be fair, entered into in good faith, adequate, and falls within the range of reasonableness, and therefore meets the requirement for approval and is approved;
4. The definition of the PAGA Period (Settlement Period) as March 29, 2019, through May 03, 2021 and the definition of Aggrieved Employees as all current and former non-exempt employees employed by Oakley in California at any time during the Settlement Period, is approved for settlement purposes;
5. The notice to aggrieved employees as stated in the Settlement Agreement constitutes the best practicable notice under the circumstances and satisfies the requirements of due process;
6. All notices to the California Labor and Workforce Development Agency ("LWDA") required by law have been submitted;
7. Upon entry of this Order, compensation to the aggrieved employees shall be effected pursuant to the terms of the Settlement Agreement;

1 8. In addition to any recovery that Plaintiffs may receive as an aggrieved employee under the
2 Settlement Agreement, and in recognition of Plaintiffs' effort on behalf of the settlement, the Court hereby
3 approves the payment of representative enhancement awards to Plaintiffs Yessica Trujillo and Roberto
4 Gonzalez Sanchez in the amount of \$5,000 each for their services as representatives;

5 9. The Court finds that PAGA Counsel's required litigation expenses in the amount of
6 \$13,628.57 are reasonable and are hereby approved by the Court;

7 ~~10. The Court finds that the requested attorneys' fees of \$228,333.33 are reasonable as a~~
8 ~~modest fee, and are approved;~~

9 11. The Court approves the payment of attorneys' fees to Kokozyan Law Firm, APC and
10 KINGSLEY & KINGSLEY, APC in the amount of \$228,333.33. These sums shall be paid to Kokozyan
11 Law Firm, APC and KINGSLEY & KINGSLEY, APC in accordance with the terms of the settlement
12 agreement;

13 12. The Court appoints ILYM Group, Inc. as the Settlement Administrator. The payment of
14 actual settlement administration costs in the amount of \$7,000 is approved;

15 13. The Court approves and orders payment in the amount of \$319,528.57 to the LWDA, which
16 represents seventy five percent (75%) of the net settlement amount (PAGA Payment) and \$106,509.52 to
17 the Aggrieved Employees, which represents twenty five percent (25%) of the net settlement amount;

18 14. The methodology used to calculate and pay each aggrieved employees' individual payment
19 is fair and reasonable;

20 15. Plaintiff and the aggrieved employees shall have by operation of this Order and
21 accompanying Judgment, fully, finally and forever released, relinquished and discharged Defendant
22 Oakley, Inc. and its respective present and former officers, directors, employees, shareholders, agents,
23 trustees, representatives, attorneys, insurers, parent companies, subsidiaries, divisions, affiliates,
24 predecessors, successors, assigns, including and any individual or entity that could be jointly liable with
25 Defendant Oakley, Inc. (Released Parties) from any and all claims for penalties, attorneys' fees, interest
26 and/or costs under the California Private Attorneys General Act of 2004 for violations of the California
27 Labor Code, that have been pled or could have been pled, based upon the factual allegations and issues set
28

1 forth in the PAGA notices and operative complaint(s) occurring during the PAGA Period (PAGA Released
2 Claims) as defined in the Settlement Agreement;

3 16. This Court shall retain jurisdiction with respect to all matters related to the administration,
4 consummation of the settlement and to enforce the terms of the Judgment and any disputes arising under
5 the Settlement Agreement or administration thereof;

6 17. ~~An Order to Show Cause regarding compliance with the terms of the settlement is set for~~
7 ~~_____.~~ The Settlement Administrator shall file a report
8 regarding the distribution of the funds no later than February 24, 2023 including
9 the amount of funds distributed to the aggrieved employees; and

10 18. The Parties are ordered to carry out the Settlement according to the terms of the Settlement
11 Agreement.

12 **IT IS SO ORDERED, ADJUGED AND DECREED.**

13
14 DATED: _____

6-28-22

William D. Claster

The Honorable William D. Claster
Judge of the Superior Court

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

Sanchez/Trujillo v. Oakley, Inc.

OCSC Case No. 30-2020-01139833-CU-OE-CXC

I, the undersigned, declare as follows:

I am over the age of 18 years and employed in the County of Los Angeles, State of California. I am employed in the office of Kokozian Law Firm, APC, and I made the service referred to below at their direction. My business address is 10940 Wilshire Blvd., Suite 1200, Los Angeles, CA 90024.

On June 21, 2022, I served true copies of **SECOND AMENDED [PROPOSED] ORDER AND JUDGMENT FOR APPROVAL OF SETTLEMENT UNDER PRIVATE ATTORNEYS GENERAL ACT ("PAGA")** on INTERESTED PARTIES as stated on the attached Service List.

- ☐ **BY MAIL:** by depositing the same for collection and mailing at Los Angeles, California, on the date hereinabove set forth, in sealed envelopes with the postage thereon fully prepaid. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after service of deposit for mailing in affidavit.
- ☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the office(s) of the addressee(s).
- ☐ **VIA FACSIMILE:** I caused the foregoing documents(s) to be transmitted to the below-named individual(s) via facsimile prior to 5:00 p.m. on said date and the transmission was reported as complete and without error
- ☐ **VIA OVERNIGHT COURIER:** I caused the above-referenced documents(s) to be delivered to FEDERAL EXPRESS for delivery to the below-named individual(s).
- ☒ **BY ELECTRONIC SERVICE:** Pursuant to agreement by the parties in this action and/or CCP § 1010.6 et seq., I caused such documents to be converted to Adobe .PDF format and uploaded to the Court-authorized Electronic Filing Service Provider (EFSP) ONE LEGAL LLC, authorizing said EFSP to affect electronic service to the addressee(s) listed below.

SEE ATTACHED SERVICE LIST

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



Glenn Dwiggins

SERVICE LIST

Michael A. Hood, Esq.
Kelli M. Winkle, Esq.
JACKSON LEWIS P.C.
200 Spectrum Center Drive, Suite 500
Irvine, CA 92618
Telephone: (949) 885-1360
Facsimile: (949) 885-1380
michael.hood@jacksonlewis.com
kelli.winkle@jacksonlewis.com

KINGSLEY & KINGSLEY, APC

ERIC B. KINGSLEY, Esq.
eric@kingsleykingsley.com
KELSEY M. SZAMET, Esq.
kelsey@kingsleykingsley.com
JESSICA ADLOUNI, Esq.
jessica@kingsleykingsley.com
16133 Ventura Blvd., Suite 1200
Encino, CA 91436
Telephone: (818) 990-8300
Fax: (818) 990-2903

TOJARIEH LAW FIRM, PC

JOSEPH TOJARIEH, ESQ.
ift@tojariehlaw.com
10250 Constellation Blvd #100
Los Angeles, CA 90067
Telephone: (310) 553-5533, Ext. 1001
Fax: (310) 553-5536