

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:
Plaintiffs Abraham Marin and Sheree Willis
2. Title of the proposed order:
[PROPOSED] FINAL APPROVAL ORDER AND JUDGMENT
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Plaintiffs' Motion for Final Approval of Class Action Settlement
 - b. Date and time: September 15, 2022 at 2:00 p.m.
 - c. Place: Orange County Superior Court, Dept. CX102
4. The proposed order was served on the other parties in the case.

(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:
ABRAHAM MARIN VS. WORD & BROWN COMPANIES

CASE NUMBER:
30-2019-01055348-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*):

b. My electronic service address is (*specify*):

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.*):

b. To (*electronic service address of person served*):

c. On (*date*):

☐ 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:

(TYPE OR PRINT NAME OF DECLARANT)

_____
(SIGNATURE OF DECLARANT)

Edwin Aiwazian (SBN 232943)
Arby Aiwazian (SBN 269827)
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Attorneys for Plaintiffs and the Settlement Class

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

ABRAHAM MARIN, individually, and on
behalf of other members of the general public
similarly situated; SHEREE WILLIS,
individually, and on behalf of other members
of the general public similarly situated and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act;

Plaintiffs,

vs.

WORD & BROWN COMPANIES, an
unknown business entity; and DOES 1 through
100, inclusive,

Defendants.

Case No.: 30-2019-01055348-CU-OE-CXC

Honorable Peter J. Wilson
Department CX102

CLASS ACTION

**[PROPOSED] FINAL APPROVAL
ORDER AND JUDGMENT**

Date: September 15, 2022
Time: 2:00 p.m.
Department: CX102

Complaint Filed: March 6, 2019
FAC Filed: January 13, 2021
Trial Date: None Set

1 This matter has come before the Honorable Peter J. Wilson in Department CX102 of the
2 above-entitled Court, located at 751 W. Santa Ana Blvd., Santa Ana, California 92701, on
3 Plaintiffs Abraham Marin and Sheree Willis's (together, "Plaintiffs") Motion for Final Approval
4 of Class Action Settlement, Attorneys' Fees, Costs, and Incentive Awards ("Motion for Final
5 Approval"). Lawyers *for* Justice, PC appeared on behalf of Plaintiffs, and Hirschfeld Kraemer
6 LLP appeared on behalf of Defendant Word & Brown Insurance Administrators, Inc.
7 ("Defendant").

8 On March 28, 2022, the Court entered the Order Granting Preliminary Approval of Class
9 Action Settlement ("Preliminary Approval Order"), thereby preliminarily approving the settlement
10 of the above-entitled action ("Action") in accordance with the First Amended Joint Stipulation for
11 Class Action and PAGA Settlement ("Settlement," "Agreement," or "Settlement Agreement"),
12 which, together with the exhibits annexed thereto, set forth the terms and conditions for settlement
13 of the Action.

14 Having reviewed the Settlement Agreement and duly considered the parties' papers and
15 oral argument, and good cause appearing,

16 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

17 1. All terms used herein shall have the same meaning as defined in the Settlement
18 Agreement and the Preliminary Approval Order.

19 2. This Court has jurisdiction over the claims of the Settlement Class Members
20 asserted in this proceeding and over all parties to the Action.

21 3. The Court finds that the applicable requirements of California Code of Civil
22 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with respect
23 to the Settlement Class and the Settlement. The Court hereby makes final its earlier provisional
24 certification of the Settlement Class for settlement purposes, as set forth in the Preliminary
25 Approval Order. The Settlement Class is hereby defined to include:

26 All persons who worked for Word & Brown Insurance Administrators, Inc. in
27 California as a non-exempt employee at any time during period from March 6,
28 2015 through March 28, 2022 ("Settlement Class" or "Settlement Class
Members").

1 4. The Notice of Class Action Settlement (“Notice”), Request for Exclusion Form
2 (“Opt-Out Form”), and Notice of Objection Form (“Objection Form”) (together, “Notice Packet”),
3 that was provided to the Settlement Class Members, fully and accurately informed the Settlement
4 Class Members of all material elements of the Settlement and of their opportunity to participate
5 in, object to or comment thereon, or to seek exclusion from, the Settlement; was the best notice
6 practicable under the circumstances; was valid, due, and sufficient notice to all Settlement Class
7 Members; and complied fully with the laws of the State of California, the United States
8 Constitution, due process and other applicable law. The Notice fairly and adequately described the
9 Settlement and provided the Settlement Class Members with adequate instructions and a variety
10 of means to obtain additional information.

11 5. Pursuant to California law, the Court hereby grants final approval of the Settlement
12 and finds that it is reasonable and adequate, and in the best interests of the Settlement Class as a
13 whole. More specifically, the Court finds that the Settlement was reached following meaningful
14 discovery and investigation conducted by Lawyers *for* Justice, PC (“Class Counsel”); that the
15 Settlement is the result of serious, informed, adversarial, and arms-length negotiations between the
16 parties; and that the terms of the Settlement are in all respects fair, adequate, and reasonable. In
17 so finding, the Court has considered all of the evidence presented, including evidence regarding
18 the strength of Plaintiffs’ claims; the risk, expense, and complexity of the claims presented; the
19 likely duration of further litigation; the amount offered in the Settlement; the extent of
20 investigation and discovery completed; and the experience and views of Class Counsel. The Court
21 has further considered the absence of objections to the Settlement submitted by Settlement Class
22 Members. Accordingly, the Court hereby directs that the Settlement be affected in accordance
23 with the Settlement Agreement and the following terms and conditions.

24 6. A full opportunity has been afforded to the Settlement Class Members to participate
25 in the Final Approval Hearing, and all Settlement Class Members and other persons wishing to be
26 heard have been heard. The Settlement Class Members also have had a full and fair opportunity
27 to exclude themselves from the Settlement. Accordingly, the Court determines that all Settlement
28

1 Class Members who did not timely and validly opt out of the Settlement (“Participating Class
2 Member”) are bound by this Final Approval Order and Judgment.

3 7. The Court finds that thirteen (13) Settlement Class Members have timely and
4 validly opted out of the Settlement and will not be bound by this Final Approval Order and
5 Judgment.

6 8. The Court finds that payment of Settlement Administration Costs in the amount of
7 \$11,500.00 is appropriate for the services performed and costs incurred and to be incurred for the
8 notice and settlement administration process. It is hereby ordered that the Settlement
9 Administrator, Simpluris, Inc., shall issue payment to itself in the amount of \$11,500.00, in
10 accordance with the terms and methodology set forth in Settlement Agreement.

11 9. The Court finds that the Incentive Awards sought are fair and reasonable for the
12 work performed by Plaintiffs on behalf of the Settlement Class. It is hereby ordered that the
13 Settlement Administrator issue payment in the amount of \$5,000.00 each to Plaintiffs Abraham
14 Marin and Sheree Willis for their Incentive Awards, according to the terms and methodology set
15 forth in the Settlement Agreement.

16 10. The Court finds that the allocation of \$200,000.00 toward penalties under the
17 California Private Attorneys General Act of 2004 (“PAGA Amount”), is fair, reasonable, and
18 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA
19 Amount as follows: the amount of \$150,000.00 to the California Labor and Workforce
20 Development Agency, and the amount of \$50,000.00 to be distributed to all Settlement Class
21 Members who worked for Word & Brown Insurance Administrators, Inc. in California as a non-
22 exempt employee at any time during the period of time from March 6, 2015 through March 28,
23 2022 (“Aggrieved Employees”), according to the terms and methodology set forth in the
24 Settlement Agreement.

25 11. The Court finds that the request for attorneys’ fees in the amount of \$770,000.00 to
26 Class Counsel falls within the range of reasonableness, and the results achieved justify the award
27 sought. The requested attorneys’ fees to Class Counsel are fair, reasonable, and appropriate, and
28 are hereby approved. It is hereby ordered that the Settlement Administrator issue payment in the

1 amount of \$770,000.00 to Class Counsel for attorneys' fees, in accordance with the terms and
2 methodology set forth in the Settlement Agreement.

3 12. The Court finds that reimbursement of litigation costs and expenses in the amount
4 of \$23,059.66 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the
5 Settlement Administrator issue payment in the amount of \$23,059.66 to Class Counsel for
6 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set
7 forth in the Settlement Agreement.

8 13. The Court hereby enters Judgment by which Participating Class Member shall be
9 conclusively determined to have given a release of any and all Class Released Claims against the
10 Released Parties, as set forth in the Settlement Agreement and Notice.

11 14. The Court hereby enters Judgment by which Aggrieved Employees shall be
12 conclusively determined to have given a release of any and all PAGA Released Claims against the
13 Released Parties, as set forth in the Settlement Agreement and Notice.

14 15. It is hereby ordered that Defendant shall deposit the Total Settlement Amount into
15 an account established by the Settlement Administrator within twenty-one (21) calendar days after
16 the Effective Date, in accordance with the terms and methodology set forth in the Settlement
17 Agreement.

18 16. It is hereby ordered that the Settlement Administrator shall distribute Individual
19 Settlement Shares to the Participating Class Members and Individual PAGA Payments to
20 Aggrieved Employees within ten (10) calendar days after Defendant funds the Total Settlement
21 Amount, according to the methodology and terms set forth in the Settlement Agreement.

22 17. After entry of this Final Approval Order and Judgment, pursuant to California Rules
23 of Court, Rule 3.769(h) and California Code of Civil Procedure § 664.6, the Court shall retain
24 jurisdiction to construe, interpret, implement, and enforce the Settlement Agreement and this Final
25 Approval Order and Judgment, to hear and resolve any contested challenge to a claim for
26 settlement benefits, and to supervise and adjudicate any dispute arising from or in connection with
27 the distribution of settlement benefits.
28

1 18. Notice of entry of this Final Approval Order and Judgment shall be given to the
2 Settlement Class Members by posting a copy of the Final Approval Order and Judgment on
3 Simpluris, Inc.'s website for a period of at least sixty (60) calendar days after the date of entry of
4 this Final Approval Order and Judgment. Individualized notice is not required.

5
6 Dated: _____

HONORABLE PETER J. WILSON
JUDGE OF THE SUPERIOR COURT