

FILED

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CLERK OF THE NAPA SUPERIOR COURT
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Kevin T. Barnes, Esq. (#138477)
Gregg Lander, Esq. (#194018)
LAW OFFICES OF KEVIN T. BARNES
1635 Pontius Avenue, Second Floor
Los Angeles, CA 90025-3361
Tel.: (323) 549-9100 / Fax: (323) 549-0101
Email: Barnes@kbarnes.com

Raphael A. Katri, Esq. (#221941)
LAW OFFICES OF RAPHAEL A. KATRI
8549 Wilshire Boulevard, Suite 200
Beverly Hills, CA 90211-3104
Tel.: (310) 940-2034 / Fax: (310) 733-5644
Email: RKatri@socallaborlawyers.com

Attorneys for Plaintiff RAYMOND JAMES
RUSHWORTH, on behalf of the State of California
and all other similarly situated aggrieved employees

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

RAYMOND JAMES RUSHWORTH, on
behalf of himself and all others similarly
situated,

Plaintiffs,

v.

WINESHIPPING.COM LLC d/b/a "Oregon
Wine," "Safe Haven Wine Services,"
Vingo" and/or "Vintners Direct LLC," a
California limited liability company; 24
SEVEN ENTERPRISES, INC. d/b/a "Pack
n' Ship Direct and/or "Vin-Go," a
corporation of unknown origin; DTC
LOGISTICS d/b/a "Wineshipping," an
entity of unknown form and origin; and
DOES 1 to 100, inclusive,

Defendants.

Case No.: 20CV001179

**~~PROPOSED~~ FINAL ORDER AND
JUDGEMENT GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS AND
REPRESENTATIVE ACTION
SETTLEMENT**

Final Approval Hearing:
Date: September 30, 2022
Time: 8:30 a.m.
Dept: B

Honorable Scott R. L Young
Department B

Action filed: November 13, 2020
Trial Date: None Set

1 The Parties reached a settlement subject to Court approval as represented in the Joint
2 Stipulation of Class Action and PAGA Settlement and Release ("Settlement Agreement") filed
3 with this Court. On September 30, 2022 this Court conducted a Final Settlement Fairness
4 Hearing pursuant to Rule 3.769 of the California Rules of Court and this Court's previous Order
5 after the hearing on April 22, 2022 by Plaintiff for Preliminary Approval of Class Settlement (the
6 "Preliminary Approval Order") entered herein on April 22, 2022. Due and adequate notice
7 having been given to the Settlement Class as required in said Preliminary Approval Order, and
8 the Court having considered all papers filed and proceedings had herein and otherwise being
9 fully informed in the matter, and good cause appearing therefor hereby orders:

10 1. For the reasons set forth in the Preliminary Approval Order, which are adopted
11 and incorporated herein by reference, this Court finds that the applicable requirements of the
12 California Code of Civil Procedure section 382 and Rule 3.769 of the California Rules of Court
13 have been satisfied with respect to the Class and the proposed Settlement. The Court hereby
14 makes final its earlier provisional certification of the Class, as set forth in the Preliminary
15 Approval Order.

16 2. This Order and Judgment Granting Final Approval of Class Action Settlement
17 hereby adopts and incorporates by reference the terms and conditions of the parties' Settlement
18 Agreement, together with the definitions of terms used and contained therein.

19 3. The Court finds that it has jurisdiction over the subject matter of the Class Action
20 and over all parties to the Class Action, including all members of the Settlement Class.

21 4. The Class Notice given to the Class Members fully and accurately informed the
22 Class Members of all material elements of the proposed Settlement and of their opportunity to
23 object to or comment thereon; was the best notice practicable under the circumstances; was
24 valid, due, and sufficient notice to all Class Members; and complied fully with the laws of the
25 State of California, the United States Constitution, due process, and other applicable law. The
26 Class Notice fairly and adequately described the Settlement and provided Class Members
27 adequate instructions and a variety of means to obtain additional information; provided Class
28 Members with a full opportunity and the means to seek exclusion; and described to Class

1 Members the consequences of remaining in the action as opposed to seeking exclusion. A full
2 opportunity has been afforded to the Class Members to participate in the Final Approval
3 Hearing, and all Class Members and other persons wishing to be heard have been heard.
4 Accordingly, the Court determines that all Class Members are bound by this Order and
5 Judgment. There are zero (0) opt outs or objections to this settlement.

6 5. The Court has considered all relevant factors for determining the fairness of the
7 Settlement and has concluded that all such factors weigh in favor of granting final approval. In
8 particular, the Court finds that the Settlement was reached following meaningful discovery and
9 investigation conducted by Class Counsel; that the Settlement is the result of serious, informed,
10 adversarial, and arm's-length negotiations between the Parties; and that the terms of the
11 Settlement are in all respects fair, adequate, and reasonable. In so finding, the Court has
12 considered all evidence presented, including evidence regarding the strength of the Plaintiff's
13 case; the risk, expense, and complexity of the claims presented; the likely duration of further
14 litigation and appeal; the amount offered in Settlement; the extent of investigation and discovery
15 completed; and the experience and views of Class Counsel. Accordingly, the Court hereby
16 approves the settlement as set forth in the Settlement Agreement and expressly finds that said
17 Settlement is, in all respects, fair, reasonable, adequate, and in the best interests of the entire
18 Settlement Class and hereby directs implementation of all remaining terms, conditions, and
19 provisions of the Settlement Agreement.

20 6. The Court hereby approves attorneys' fees to Class Counsel in the amount of
21 \$185,333 and reimbursement of costs of \$2,394.72, as compensation for all attorney time spent
22 on this matter from inception through and including the final Settlement Fairness Hearing and all
23 other work related to this case and all costs, as these requests are fair and reasonable. Payment
24 of costs to the Settlement Administrator in the amount of \$12,500 is hereby approved as fair and
25 reasonable. No other costs or fees relief shall be awarded, either against Defendants or any other
26 of the Released Parties, as defined in the Settlement Agreement.

27 7. The Court hereby approves Service Payments to the Class Representative in the
28 amount of \$5,000 to Plaintiff Raymond James Rushworth. Named Plaintiff's Service Payment is

1 approved in consideration and exchange for his contribution to the Class, risks incurred, stigma,
2 execution of a general release and all other factors presented to the Court. The Court finds this
3 request fair and reasonable.

4 8. The Court hereby approves a PAGA penalty of \$50,000 with \$37,500 payable to
5 the Labor Workforce Development Agency (LWDA), as this request is fair and reasonable.

6 9. Upon entry of Judgment by the Court in accordance with the Stipulation of
7 Settlement, Plaintiff and the Class Members shall fully and finally release and discharge the
8 Releasees from the claims released in the Settlement.

9 10. The Court further confirms and finds that nothing contained in the Settlement
10 Agreement, the Preliminary Approval Order, this Final Approval Order and Judgment, or any
11 other Order entered in this action shall in any way or manner constitute an admission or
12 determination of liability by or against Defendants and their respective agents, officers,
13 employees, directors, owners, subsidiaries, affiliates and parent companies, with respect to any
14 of the claims and causes of action asserted by the Settlement Class or any member thereof, and
15 shall not be offered in evidence in any action or proceeding against Defendants, or any other
16 Released Parties in any court, administrative agency, or other tribunal for any purpose
17 whatsoever, other than to the extent necessary to enforce the provisions of the Settlement
18 Agreement or this Order. This paragraph shall not, however, diminish or otherwise affect the
19 obligation, responsibilities, or duties of the Defendants under the Settlement Agreement and this
20 Final Order and Judgment.

21 11. By operation of the entry of this Order and Judgment, as of the Effective Date, the
22 parties and Settlement Class Members are ordered to perform their respective duties and
23 obligations under the Stipulation.

24 12. If the Settlement does not become final and effective in accord with the terms of
25 the Settlement Agreement, then this Final Order and Judgment shall be rendered null and void
26 and shall be vacated and, in such event, all orders entered, including but not limited to all
27 releases delivered in connection herewith, shall be null and void.

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1 **JUDGMENT**

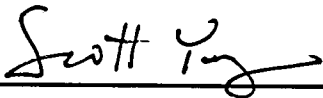
2 In accordance with, and for the reasons stated in, the Final Approval Order, judgment
3 shall be entered whereby Named Plaintiff and all Settlement Class Members shall take nothing
4 from Defendants, except as expressly set forth in the Settlement Agreement, which was
5 previously filed, as part of Plaintiff's Motion for Preliminary Approval of the Class Action
6 Settlement.

7 Pursuant to California Code of Civil Procedure section 664.6 and Rule 3.769(h) of the
8 California Rules of Court, this Court reserves exclusive and continuing jurisdiction over this
9 action, the Named Plaintiff, Class Members, and Defendants, for the purposes of:

- 10 (a) supervising the implementation, enforcement, construction, and interpretation of
11 the Settlement Agreement, the Preliminary Approval Order, the plan of allocation,
12 the Final Approval Order, and the Judgment; and
13 (b) supervising distribution of amounts paid under this Settlement.

14 **IT IS SO ORDERED.**

15
16 Dated: September 30, 2022



Honorable Scott R. L. Young
Judge of the Superior Court