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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

RAYMOND PAIZ, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

FOODLINER, INC.; and DOES 1 through 10,
inclusive,

Defendants.

Case No. RG20062272

CLASS ACTION

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

Reservation Nos.: A-20062272-002;
A-20062272-003

Date: May 10, 2022
Time: 3:00 p.m.
Dept.: 23
Judge: Hon. Brad Seligman

Complaint Filed: January 17, 2020
Trial Date: N/A

**ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND MOTION FOR ATTORNEYS' FEES, COSTS AND CLASS REPRESENTATIVE
SERVICE AWARD; AND JUDGMENT**

1 Plaintiff's Motion for Final Approval of Class Action Settlement and Plaintiff's Motion
2 for Attorney Fees, Costs, and a Class Representative Service Award came before this Court on
3 May 10, 2022. The above-captioned Action is a class action lawsuit brought by plaintiff
4 Raymond Paiz ("Plaintiff") against Defendant Foodliner, Inc. ("Defendant") (collectively, "the
5 Parties"). The Parties have reached a settlement, and have submitted for this Court's approval
6 the Joint Stipulation for Class and PAGA Representative Action Settlement and Release of
7 Claims ("Settlement").¹

8 On January 5, 2022, this Court entered an Order Granting Motion for Preliminary
9 Approval of Settlement. The Court also conditionally certified the following Settlement Class
10 and PAGA Subclass for settlement purposes only:

- 11 a. Class: All current and/or former non-exempt employees that
12 worked for Defendant Foodliner, Inc. as truck drivers in
13 California from May 26, 2019 through August 15, 2020, and
14 excluding any persons who opt out.
15 b. PAGA Subclass: All truck drivers employed by Foodliner in
16 California, at any time between December 8, 2019 and August 15,
17 2020.

18 The Preliminary Approval Order directed the parties to provide notice to the Settlement
19 Class Members. The Court found that the form of Notice to the Settlement Class regarding the
20 pendency of the Action and of this Settlement, and the methods of giving notice to members of
21 the Settlement Class constitute the best notice practicable under the circumstances, and constitute
22 valid, due, and sufficient notice to all members of the Settlement Class.

23 Upon notice having been given as required by the Preliminary Approval Order, and
24 having considered the proposed Settlement, as well as papers filed, the Court hereby ORDERS,
25 ADJUDGES AND DECREES AS FOLLOWS:

26 This Court has jurisdiction over the subject matter of the above-captioned action and over
27 all parties to the action, including all Settlement Class Members.
28

¹ All capitalized terms herein have the same meanings as those in the Settlement.

1 The Court finds that the Settlement Class is properly certified as a class for settlement
2 purposes.

3 The Class Notice provided to the Class conforms with the requirements of California
4 Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of
5 Court 3.766 and 3.769, the California and United States Constitutions, and other applicable law,
6 and constitutes the best notice practicable under the circumstances, by providing individual
7 notice to all Settlement Class Members who could be identified through reasonable effort, and by
8 providing due and adequate notice of the proceedings and of the matters set forth therein to the
9 other Settlement Class Members. The Class Notice fully satisfied the requirements of due
10 process.

11 The Court finds the Settlement was entered into in good faith, that the Settlement is fair,
12 reasonable and adequate, and that the Settlement satisfies the standards and applicable
13 requirements for final approval of this class and representative action Settlement under
14 California law, including the provisions of California Code of Civil Procedure section 382 and
15 California Rule of Court 3.769.

16 Zero Settlement Class Members have objected to the terms of the Settlement.

17 Zero Settlement Class Members have opted-out from the Settlement.

18 Upon entry of this Order, compensation to the Settlement Class shall be effected pursuant
19 to the terms of the Settlement.

20 The Court hereby approves the appointment of Hunter Pyle and John J. Darin of Hunter
21 Pyle Law as Class Counsel.

22 The Court hereby approves the appointment of Plaintiff Raymond Paiz as Class
23 Representative.

24 In recognition of Plaintiff's efforts on behalf of the Class, the Court hereby approves the
25 payment of a Class Representative service payment to Plaintiff Raymond Paiz in the amount of
26 \$10,000 in addition to any recovery they may receive under the Settlement.

1 The Court hereby approves the PAGA Penalties in the amount of \$18,300; \$13,725.00 of
2 which is to be paid to the Labor Workforce Development Agency ("LWDA"), and \$4,575.00 of
3 which is to be distributed to members of the PAGA Subclass pursuant to the terms of the
4 Settlement.

5 The Court hereby approves the payment of \$3,995.00 to Simpluris, Inc. ("Simpluris") for
6 the costs of administering the settlement.

7 The Court hereby approves the payment to Class Counsel of attorneys' fees in the amount
8 of \$91,666.67 and Litigation costs in the amount of \$2,582.04. The hourly rates and hours
9 requested by Class Counsel are reasonable. However, the settlement administrator shall hold
10 back 10% of Class Counsel's attorneys' fees until the Court has entered amended judgment
11 pursuant to Code of Civil Procedure section 384 at the compliance hearing described below.

12 The Court finds that distribution of any residual funds to the proposed *cy pres* beneficiary
13 Legal Aid at Work under Code of Civil Procedure section 384, will best serve the public interest
14 and the interests of the Class. The Court hereby appoints Legal Aid at Work as the *cy pres*
15 beneficiary for any residual funds, pursuant to the terms of the Settlement.

16 Upon the occurrence of the Effective Date of the Settlement, the Plaintiff and the
17 Settlement Class Members, by operation of this Order and Judgment, fully, finally, irrevocably,
18 unconditionally, and forever release and discharge Defendant from the Released Claims as
19 provided by the terms of the Settlement. Upon the Effective Date, all members of the Settlement
20 Class shall be and are hereby permanently barred and enjoined from the institution or
21 prosecution of any and all of the Released Claims as provided by the terms of the Settlement.

22 Upon completion of administration of the Settlement, the parties shall file a declaration
23 setting forth that Settlement payments have been paid and that the terms of the Settlement have
24 been completed.

25 The Court shall hold a compliance hearing on January 17, 2023, at 3:00 p.m. in
26 Department 23. No later than five court days prior to that hearing, Class Counsel shall file a
27

1 compliance status report, together with a proposed amended judgment pursuant to Code of Civil
2 Procedures section 384.

3 This Judgment is intended to be a final disposition of the class action and representative
4 claims in the above-captioned action, and is intended to be immediately applicable.

5 Pursuant to California Code of Civil Procedure Section 664.6 and California Rules of
6 Court, Rule 3.769(h), the Court shall retain jurisdiction of this action for the purpose of
7 interpreting, implementing, and enforcing the Settlement.

8 **IT IS SO ORDERED.**

9
10 Dated: 5/18/22, 2022



HONORABLE BRAD SELIGMAN