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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MAR 06 2023

DAVID H. YAMASAKI, Clerk of the Court

BY: D. MIRANDA, DEPUTY

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

ANNMARIE ALBANEZ, individually, and
on behalf of other members of the general
public similarly situated;

Plaintiff,

v.

OCMBC, INC., a California corporation
d/b/a LOANSTREAM MORTGAGE; and
~~DOES 1 through 100, inclusive;~~

Defendants.

Case No.: 30-2019-01078636-CU-OE-CXC

Assigned for All Purposes to:
Honorable Lon F. Hurwitz
Department CX-103

CLASS ACTION

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

Hearing Date: February 17, 2023
Hearing Time: 1:30 p.m.
Hearing Place: Department CX-103

Complaint Filed: June 24, 2019
FAC Filed: November 16, 2020
Trial Date: None Set

1 This matter has come before the Honorable Lon F. Hurwitz in Department CX-103 of
2 the above-entitled Court, located at 751 West Santa Ana Boulevard., Santa Ana, California
3 92701, on Plaintiff AnnMarie Albanez's ("Plaintiff") Motion for Final Approval of Class
4 Action Settlement, Attorneys' Fees and Costs, and Class Representative Service Fee.

5 On March 23, 2022, the Court entered a Further Revised Order Granting Preliminary
6 Approval of Class Action Settlement ("Preliminary Approval Order"), thereby preliminarily
7 approving the settlement of the above-entitled case in accordance with the Amended Stipulation
8 of Resolution ("Settlement Agreement," "Settlement," or "Agreement"), which, together with
9 the exhibits annexed thereto, sets forth the terms and conditions for settlement of this case.¹

10 Having reviewed the Settlement Agreement and duly considered the Parties' papers and
11 oral argument, and good cause appearing:

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

13 All terms used herein shall have the same meaning as defined in the Settlement
14 Agreement and the Preliminary Approval Order. This Court has jurisdiction over the claims of
15 the Class Members asserted in this proceeding and over all Parties to this case. The Court finds
16 the applicable requirements of Code of Civil Procedure section 382 and California Rule of
17 Court 3.769, *et seq.*, have been satisfied with respect to the Class and Settlement. The Court
18 makes final its earlier provisional certification of the Class for settlement purposes, as set forth
19 in the Preliminary Approval Order. The Class is defined to include:

20 All nonexempt employees within the State of California who are or were
21 employed by Defendant OCMBC, Inc. dba LoanStream Mortgage
22 ("Defendant") in the State of California during the time beginning June 24,
2015, to August 6, 2020, inclusively ("Class" and "Class Period").

23 The Notice of Proposed Class Action Settlement ("Class Notice") provided to the Class
24 Members: (1) fully and accurately informed the Class Members of all material elements of the
25 Settlement and of their opportunity to participate in, object to or comment thereon, or to seek
26 exclusion from the Settlement; (2) was the best notice practicable under the circumstances; (3)

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28 ¹ The final Settlement Agreement is attached as **Exhibit 3** to the Further Supplemental
Declaration of Douglas Han in Support of Plaintiff's Motion for Preliminary Approval of

1 was valid, due, and sufficient notice to all Class Members; and (4) complied fully with the laws
2 of California, the United States Constitution, due process, and other applicable law. The Class
3 Notice fairly and adequately described the Settlement and provided the Class Members with
4 adequate instructions and a variety of means to obtain additional information.

5 The Court grants final approval of the Settlement and finds the Settlement reasonable,
6 adequate, and in the best interests of the Class. Specifically, the Court finds: (1) the Settlement
7 was reached following meaningful discovery and investigation conducted by Class Counsel; (2)
8 the Settlement is the result of serious, informed, adversarial, and arm's-length negotiations
9 between the Parties; and (3) the terms of the Settlement are fair, adequate, and reasonable. The
10 Court considered all the evidence presented, including evidence regarding the strength of
11 Plaintiff's case, the risk, expense, and complexity of the claims presented, the likely duration of
12 further litigation, the amount offered in the Settlement, the extent of investigation and discovery
13 completed, and the experience and views of Class Counsel.

14 The Settlement Agreement is not an admission by Defendant, nor is this Order of Final
15 Approval and Judgment ("Order and Judgment") a finding of the validity of any allegations or
16 of any wrongdoing by Defendant. Neither this Order and Judgment, the Settlement Agreement,
17 nor any document referred to herein, nor any action taken to carry out the Settlement
18 Agreement, may be construed as, or may be used as, an admission of any fault, wrongdoing,
19 omission, concession, or liability whatsoever by or against Defendant.

20 The Court considered there is only one (1) request for exclusion submitted by the Class
21 Member, Dai Nguyen, to the Settlement Administrator. By extension, the Court considered no
22 Class Members submitted objections to the Settlement Administrator. This further illustrates the
23 fairness of the Settlement Agreement.

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28 Class Action Settlement filed on March 15, 2022 (ROA # 167).

1 A full opportunity has been afforded to the Class Members to participate in the Final
2 Approval hearing, and all Class Members and other persons wishing to be heard have been
3 heard. The Class Members also had a full and fair opportunity to exclude themselves.
4 Accordingly, the Court determines all Class Members who did not submit requests for exclusion
5 to the Settlement Administrator are bound by this Order and Judgment.

6 The plan of allocation and distribution of the Gross Settlement Fund is fair, adequate,
7 and reasonable, and is approved. It is ordered Defendant shall pay the Gross Settlement Fund in
8 accordance with the methodology and terms set forth in the Settlement Agreement.

9 It is ordered the Settlement Administrator, Simpluris, Inc., shall pay itself \$8,500 as its
10 Administration Costs. The Administration Costs are for the services performed and costs
11 incurred for the notice and administration process in accordance with the Agreement.

12 It is ordered the Settlement Administrator shall distribute settlement payments
13 ("Individual Settlement Payments") to all Class Members who have not opted out ("Eligible
14 Class Members") according to the methodology and terms set forth in the Agreement.

15 It is further ordered, pursuant to Code of Civil Procedure section 384, Eligible Class
16 Members and Eligible Aggrieved Employees must cash or deposit their settlement checks
17 within one hundred eighty (180) days from the date the settlement checks are mailed. Uncashed
18 settlement checks shall be sent to the California State Controller to be deposited in the
19 Unclaimed Property Fund for the benefit of the Class Member whose check was not cashed.

20 The Court finds the Class Representative Service Fee sought for Plaintiff is fair and
21 reasonable for the work performed. It is ordered the Settlement Administrator will issue a
22 payment of \$7,500 to Plaintiff as her Class Representative Service Fee.

23 The Court finds the allocation of \$20,000 toward penalties under the Private Attorneys
24 General Act of 2004 ("PAGA") ("PAGA Payment") is fair, reasonable, and appropriate, and is
25 approved. The Settlement Administrator shall distribute the PAGA Payment as follows:
26 seventy-five percent (75%) of the PAGA Payment (\$15,000) will be paid to the California
27 Labor and Workforce Development Agency ("LWDA") and twenty-five percent (25%) of the
28 PAGA Payment (\$5,000) will be payable to the aggrieved employees eligible to recover the

1 PAGA Payment that consist of all non-exempt employees who worked for Defendant within the
2 State of California between August 19, 2019 through August 6, 2020 ("Eligible Aggrieved
3 Employees" "PAGA Timeframe") according to the methodology and terms set forth in the
4 Settlement Agreement.

5 The Court finds the request for an award of attorneys' fees of \$200,000 falls within the
6 range of reasonableness, and the results achieved justify the award sought. The requested
7 Attorney Fee Award is fair, reasonable, and appropriate, and is approved. It is hereby ordered
8 the Settlement Administrator will issue payment of \$200,000 to Class Counsel as the attorneys'
9 fees according to the methodology and terms set forth in the Settlement Agreement.²

10 Pursuant to the Settlement, Class Counsel can request reimbursement of litigation costs
11 and expenses not to exceed \$20,000. The Court finds reimbursement of litigation costs and
12 expenses of \$11,911.61 incurred by Class Counsel is reasonable and is approved. Thus, it is
13 hereby ordered the Settlement Administrator will issue payment of \$11,911.61 to Class Counsel
14 as the attorneys' costs for reimbursement of litigation costs and expenses incurred.

15 The Court finds this case is fully and finally resolved by the Agreement without a
16 finding of liability by any party and that nothing herein is or should be construed as an
17 admission of liability by Defendant.

18 The Court hereby enters judgment by which Class Members shall be conclusively
19 determined to have given a release of any Released Claims against the Released Parties as set
20 forth in the Settlement Agreement and the Class Notice.

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

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28 ² The Parties agreed to ask for attorneys' fees of one-third (1/3) of the Gross Settlement
Fund instead of the thirty-five percent (35%) indicated in the Settlement Agreement.

1 Notice of entry of judgment shall be provided to the Class by the Settlement
2 Administrator by posting the judgment on the static website created for the Class.

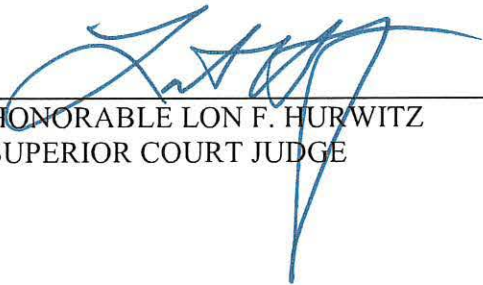
3 The Court sets a nonappearance case review for November 30, 2023 at 1:30 p.m. in
4 Department CX-103. Within ten (10) calendar days before this hearing, Plaintiff shall file a
5 compliance status report. Pursuant to Code of Civil Procedure section 384, the compliance
6 status report shall specify the total amount paid to Class Members and the residual of the
7 unclaimed settlement funds that will be paid to the entity identified as the recipient of such
8 funds in the Settlement Agreement.

9 Plaintiff shall submit a copy of the Order and Judgment to the LWDA within ten (10)
10 calendar days after entry of the Order and Judgment.

11 This Court HEREBY ORDERS, ADJUDGES AND DECREES that judgment in this
12 matter is entered in accordance with the terms of this Order and Judgment and Agreement.

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14 **IT IS SO ORDERED.**

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16 DATED: MAR 06 2023



HONORABLE LON F. HURWITZ
SUPERIOR COURT JUDGE

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PROOF OF SERVICE
1013A(3) CCP

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 751 N. Fair Oaks Avenue, Suite 101, Pasadena, CA 91103 and my electronic service address is manderson@justicelawcorp.com

On March 7, 2023, I served the foregoing document described as

ORDER OF FINAL APPROVAL AND JUDGMENT

for the following case: **Albanez v. OCMBC, Inc.**
LWDA/Court Case No.: **LWDA Case No.: CM-803181-20**
Court Case No.: 30-2019-01078636-CU-OE-CXC
Orange County Superior Court

on interested parties in this action by electronically submitting as follows:

State of California
Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, California 95814

[X] BY ELECTRONIC SUBMISSION

Pursuant to California Senate Bill No. 836, I caused the documents described above to be electronically submitted by and through the procedure stated on the website of the State of California Labor and Workforce Development Agency.

[X] STATE

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

Executed on March 7, 2023, at Pasadena, California.



Mariah Anderson