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Successor-In-Interest to Plaintiff Vicente Gonzalez

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

VICENTE GONZALEZ, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

NORCO PLASTICS, INC., a California
corporation; BEYOND STAFFING
SOLUTIONS, INC., a California corporation;
MOONSTONE PEO, INC., a Texas
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: CIVSB2026519

[Assigned for all purposes to the Hon. Jessica
Morgan, Dept. S-26]

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

Date: November 15, 2023

Time: 9:00 a.m.

Dept.: S-26

Action Filed: August 7, 2020

Trial Date: None

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

NOV 15 2023

BY *Victoria Sanchez*
VICTORIA SANCHEZ, DEPUTY

1 This matter came on regularly for hearing before this Court on November 15, 2023, pursuant to
2 California Rule of Court 3.769 and this Court's June 22, 2023 Order Granting Preliminary Approval of
3 Class Action Settlement ("Preliminary Approval Order"). Having considered the parties' Amended
4 Stipulation of Class Action and PAGA Settlement (herein "Settlement")¹ and the documents and
5 evidence presented in support thereof, and recognizing the disputed factual and legal issues involved in
6 this case, the risks of further prosecution and the substantial benefits to be received by the Settlement
7 Class pursuant to the Settlement, the Court hereby makes a final ruling that the proposed Settlement is
8 fair, reasonable, and adequate, and is the product of good faith, arm's-length negotiations between the
9 parties. Good cause appearing therefor, the Court hereby GRANTS Plaintiff's Motion for Final
10 Approval of Class Action Settlement and ORDERS as follows:

11 1. The conditional class certification contained in the Preliminary Approval Order is hereby
12 made final, and the Court thus certifies, for purposes of the Settlement only, a Settlement Class defined
13 as:

14 All current and former non-exempt, hourly employees who worked for Defendant
15 Norco Plastics, Inc. (including any and all individuals who: (i) worked for
16 Defendant Norco Plastics, Inc. directly, or (ii) worked for and/or provided services
for Defendant Norco Plastics, Inc. through a staffing agency) in California at any
time from August 7, 2016 through August 6, 2022.

17 2. The Class Period is August 7, 2016 through August 6, 2022.

18 3. Plaintiff Sadamatsu Vicente Gonzalez is hereby confirmed as Class Representative, and
19 Scott M. Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC and Paul K. Haines of
20 Haines Law Group, APC are hereby confirmed as Class Counsel.

21 4. Notice was provided to the Settlement Class as set forth in the Settlement. The form and
22 manner of notice were approved by the Court on June 22, 2023, and the notice process has been
23 completed in conformity with the Court's Order. The Court finds that said notice was the best notice
24 practicable under the circumstances. The Notice Packet (which consists of the Notice of Pendency of
25 Class Action and Proposed Settlement and Notice of Individual Settlement Award) provided due and
26 adequate notice of the proceedings and matters set forth therein, informed Settlement Class members of

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28 ¹ Unless otherwise indicated, all terms used in this Order shall have the same meaning as that assigned to
them in the Settlement.

1 their rights, and fully satisfied the requirements of California Code of Civil Procedure § 1781(e),
2 California Rule of Court 3.769, and due process.

3 5. Additionally, notice was provided to the Settlement Class by the Advertisement for
4 Chino Champion Newspaper re: Notice of Pendency of Class Action and Proposed Settlement, which
5 ran for eight (8) weekly cycles (once a week for 2 months) in the Chino Champion. A copy of the
6 advertisement was also posted by Defendant at Defendant's facility located at 14325 Monte Vista Ave,
7 Chino, CA 91710.

8 6. The Court finds that no Settlement Class member objected to the Settlement, no class
9 members have opted out of the Settlement, and that the 100% participation rate in the Settlement
10 supports final approval.

11 7. The Court hereby approves the settlement as set forth in the Settlement Agreement as
12 fair, reasonable, and adequate, and directs the parties to effectuate the Settlement Agreement according
13 to its terms.

14 8. For purposes of settlement only, the Court finds that (a) the members of the Settlement
15 Class are ascertainable and so numerous that joinder of all members is impracticable; (b) there are
16 questions of law or fact common to the Settlement Class, and there is a well-defined community of
17 interest among members of the Settlement Class with respect to the subject matter of the litigation; (c)
18 the claims of the Class Representative are typical of the claims of the members of the Settlement Class;
19 (d) the Class Representative has fairly and adequately protected the interests of the Settlement Class
20 members; (e) a class action is superior to other available methods for an efficient adjudication of this
21 controversy; and (f) Class Counsel are qualified to serve as counsel for the Class Representative and the
22 Settlement Class.

23 9. The Court finds that given the absence of objections to the Settlement, and objections
24 being a prerequisite to appeal, that this Order shall be considered final as of the date of notice of entry.

25 10. The Court orders that Defendant deposit the Gross Settlement Amount of Four Hundred
26 Twenty Thousand Dollars and Zero Cents (\$420,000.00) with Simpluris, the Settlement Administrator,
27 as provided for in the Settlement. Specifically, the Gross Settlement Amount the Gross Settlement
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1 Amount shall be deposited by Defendant into a qualified settlement fund set up by the Settlement
2 Administrator for the benefit of participating Settlement Class members and PAGA Employees.
3 Defendant agrees to deposit the Gross Settlement Amount with the Settlement Administrator within
4 thirty (30) calendar days after the "Effective Date" which is defined as the latter of: (a) the Court's final
5 approval of the settlement if no objections by or on behalf of Settlement Class members have been filed;
6 (b) the time for appeal has expired if an objection has been filed and no appeal has been filed or
7 withdrawn; or (c) the final resolution of any appeal that has been filed.

8 11. Any funds payable to Settlement Class members whose checks were not cashed within
9 180 days after mailing will be distributed, subject to the Court's approval, and consistent with Code of
10 Civil Procedure Section 384 to Inland Counties Legal Services located at 455 N. D Street San Bernardino,
11 CA 92401, as the designated *cy pres*.

12 12. The Court finds that the settlement payments, as provided for in the Settlement, are fair,
13 reasonable, and adequate, and orders the Settlement Administrator to distribute the individual payments
14 in conformity with the terms of the Settlement.

15 13. The Court finds that an incentive payment in the amount of \$5,000.00 for Plaintiff
16 Sadamatsu Vicente Gonzalez is appropriate for his risks undertaken and service to the Settlement Class.
17 The Court finds that this award is fair, reasonable, and adequate, and orders that the Settlement
18 Administrator make this payment in conformity with the terms of the Settlement.

19 14. The Court finds that attorneys' fees in the amount of \$140,000.00 and litigation costs of
20 \$16,711.20 for Class Counsel, are fair, reasonable, and adequate, and orders that the Settlement
21 Administrator distribute these payments to Class Counsel in conformity with the terms of the Settlement.

22 15. The Court orders that the Settlement Administrator shall be paid \$6,800.00 from the
23 Gross Settlement Amount for all of its work done and to be done until the completion of this matter, and
24 finds that sum appropriate.

25 16. The Court finds that the payment to the California Labor & Workforce Development
26 Agency ("LWDA") in the amount of \$15,000.00 for its share of the settlement of Plaintiff's
27 representative action under the California Labor Code Private Attorneys General Act ("PAGA") is fair,
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1 reasonable, and adequate, and orders the Settlement Administrator to distribute this payment to the
2 LWDA in conformity with the terms of the Settlement.

3 17. For purposes of calculating applicable taxes and withholdings, each Settlement Award
4 shall be allocated as follows: Sixty-Seven percent (67%) as penalties and interest; and Thirty-Three
5 percent (33%) as wages.

6 18. The Court finds and determines that upon satisfaction of all obligations under the
7 Settlement and this Order, all Settlement Class Members, will be bound by the Settlement, will have
8 released the Released Claims as set forth in the Settlement, and will be permanently barred from
9 prosecuting against Defendant any of the Released Claims pursuant to the Settlement.

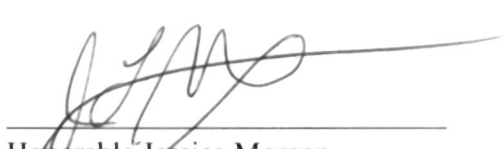
10 19. The Settlement is not an admission by Defendant nor is this Order a finding of the validity
11 of any allegations or of any wrongdoing by Defendant. Neither this Order, the Settlement, nor any
12 document referred to herein, nor any action taken to carry out the Settlement, shall be construed or
13 deemed an admission of liability, culpability, or wrongdoing on the part of Defendant.

14 ~~20 18.~~ The Court will retain jurisdiction to enforce the Settlement, this Final Approval Order,
15 and the Judgment entered in connection with the Settlement.

16 ~~21 19.~~ The Settlement Administrator shall file a declaration regarding the disbursement of
17 Settlement funds on or before April 30, 2024.

18 **IT IS SO ORDERED.**

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20 Dated: 11/15, 2023

21 
22 Honorable Jessica Morgan
23 Judge of the Superior Court
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