

FILED
Clerk of the Superior Court

OCT - 8 2021

By: R. Cersosimo, Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

ARTEMIO RAMIREZ, on behalf of himself
and all others similarly situated,

Plaintiff,

vs.

HOBIE CAT COMPANY, a Missouri
Corporation; and DOES 1 through 100,

Defendants.

Case No. 37-2020-00032735-CU-OE-CTL

*[Assigned for all purposes to the Hon.
Richard S. Whitney; Dept. C-68]*

**~~PROPOSED~~ JUDGMENT AND ORDER
GRANTING PLAINTIFF'S MOTION
FOR APPROVAL OF SETTLEMENT OF
CLAIMS BROUGHT UNDER THE
PRIVATE ATTORNEYS' GENERAL
ACT, REASONABLE ATTORNEYS'
FEES, COSTS, AND ENHANCEMENT
PAYMENT**

Date: October 8, 2021

Time: 10:30 a.m.

Dept.: C-68

Complaint Filed: September 17, 2020

Trial Date: None Set

1 This matter came on regularly for hearing before this Court on October 8, 2021 at 10:30
2 a.m. Having considered the Parties' Settlement Agreement ("Settlement");¹ the documents and
3 evidence presented in support thereof; and recognizing the disputed factual and legal issues
4 involved in this case; the risks of further prosecution, the substantial benefits to be received by
5 the State of California and the Aggrieved Employees pursuant to the Settlement; and the fair,
6 reasonable, and adequate nature of the settlement obtained as a result of good faith arm's-length
7 negotiations between the parties, the Court hereby makes a final ruling that the Settlement is
8 approved pursuant to Labor Code section 2699(1). Good cause appearing therefor, the Court
9 hereby GRANTS Plaintiff Artemio Ramirez's ("Plaintiff") Motion for Approval of Claims under
10 the Private Attorneys General Act ("Motion") and ORDERS as follows:

11 1. The "Aggrieved Employees" shall be defined as:

12 All current and former non-exempt employees who worked for Hobie
13 Cat Company ("Hobie Cat") in California at any time during the PAGA
Period.

14 2. The "PAGA Period" means April 6, 2019 through the date of the Court Order
15 granting approval of the PAGA Settlement.

16 3. The Court hereby approves the settlement as set forth in the Settlement as fair,
17 reasonable, and adequate, and directs the parties to effectuate the Settlement according to its
18 terms.

19 4. The Court orders that Hobie Cat shall pay the Gross Settlement Amount of
20 \$290,000.00 to the Settlement Administrator within thirty (30) days of this Order, pursuant to the
21 terms of the Settlement.

22 5. The Court hereby approves, as to form and content, the Explanatory Letter
23 submitted by the parties and included as Exhibit A to the Settlement.

24 6. The Court hereby appoints ILYM Group, Inc. as the Settlement Administrator.

25
26
27 ¹ All terms used in this Order shall have the same meaning as that assigned to them in the
28 Settlement Agreement, attached as Exhibit 1 to the Declaration of Paul K. Haines submitted
concurrently with the Motion.

1 7. Within five (5) business days of this Order, Hobie Cat shall provide the Settlement
2 Administrator with a list containing the Aggrieved Employees' names, last known mailing
3 addresses, last known telephone numbers, number of pay periods worked during the PAGA
4 Period, and Social Security numbers to the extent available from Hobie Cat's records, pursuant
5 to the terms of the Settlement.

6 8. The Settlement Administrator is directed to mail the Individual PAGA Payments
7 and the Explanatory Letter to the Aggrieved Employees within twenty-one (21) days of receipt
8 of the Gross Settlement Amount being fully funded, pursuant to the terms of the Settlement.

9 9. The Court finds that attorneys' fees in the amount of one-third of the Gross
10 Settlement Amount (currently estimated to be \$96,666.67) for Plaintiff's counsel, and
11 reimbursement of litigation costs up to \$16,585.22 to Plaintiff's counsel, are fair, reasonable, and
12 adequate, and orders the Settlement Administrator to distribute these payments to Plaintiff's
13 Counsel as provided for in the Settlement Agreement.

14 10. The Court orders that the Settlement Administrator shall be paid \$7,500.00 for all
15 of its work done and to be done until the completion of this matter, and finds that sum appropriate.

16 11. The Court finds that the requested Enhancement Payment of \$5,000.00 to Plaintiff
17 is fair, adequate, and reasonable in recognition of the unique contributions he has made and the
18 risks he undertook, on behalf of the Aggrieved Employees and the State of California, and orders
19 that the Settlement Administrator distribute this payment to Plaintiff as provided for in the
20 Settlement Agreement.

21 12. The Court finds that the amount of \$123,186.08, representing 75% of the
22 \$164,248.11 allocated as PAGA civil penalties under the Settlement, to be paid to the California
23 Labor and Workforce Development Agency ("LWDA") as provided for by the Settlement, is fair,
24 adequate, and reasonable, and orders that payment be made to the LWDA in accordance with the
25 terms of the Settlement Agreement.

26 13. The Court approves the scope of the release as set forth in the Settlement.
27 Following entry of this Judgment and Order and the Settlement being fully funded, Plaintiff and
28 Aggrieved Employees will have released all of the PAGA Released Claims against Hobie Cat

1 which were resolved as part of the Settlement. The PAGA Released Claims include all claims,
2 rights, demands, liabilities and causes of action that arose during the PAGA Period for civil
3 penalties under the PAGA, that were alleged in the Action or that could have been alleged based
4 on the facts alleged in the Action. The PAGA Released Claims include, but are not limited to,
5 claims under the PAGA for civil penalties for alleged violations of Labor Code §§ 201-204, 226,
6 226.7, 510, 512, 516, 558, 1174, 1182.12, 1194, 1194.2, 1197, 1198; and claims for attorneys'
7 fees, costs, or interest resulting therefrom. The release of the PAGA Released Claims shall extend
8 for the duration of the PAGA Period.

9 14. Upon entry of this Judgment and Order, the Court permanently enjoins and forever
10 bars the Plaintiff or the Aggrieved Employees from instituting or prosecuting any of the PAGA
11 Released Claims against Hobie Cat which were resolved as part of the Settlement. Without
12 affecting the finality of this Judgment and Order in any way, the Court retains jurisdiction to
13 enforce the terms of the Settlement.

14 15. Plaintiff shall file a declaration confirming the final distribution of funds on or
15 before May 2, 2022.

16 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

17
18 Dated: OCT - 8 2021

By: RICHARD S. WHITNEY
Honorable Richard S. Whitney
Judge of the Superior Court