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Attorneys for Plaintiff Andrea O'Neal-Roberts, Individually,
as a Representative Plaintiff, and for the Putative Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA
UNLIMITED JURISDICTION

ANDREA O'NEAL-ROBERTS, on behalf of
herself, the putative class, and on behalf of the
general public,

Plaintiff,

v.

OFF THE GRID SERVICES, LLC, THE
WHOLE CART, LLC, and DOES 1-10,
inclusive.

Defendants.

) Case No. RG20075270

)
) *Assigned for All Purposes to*
) *Hon. Brad Seligman (Dept. 23)*

) CLASS ACTION

) **[PROPOSED] ORDER GRANTING FINAL**
) **APPROVAL OF CLASS ACTION & PAGA**
) **SETTLEMENT AND JUDGMENT**

) Notice of Motion; MPA; Decls. submitted herewith

) **Date:** January 3, 2023

) **Time:** 3:00 p.m.

) **Dept:** 23

) **Reservation No.:** A-20075270-002

) Original Complaint Filed: Sept. 24, 2020

FILED
ALAMEDA COUNTY

JAN 03 2023 T.S.

CLERK OF THE SUPERIOR COURT

By Shaunne Smith Deputy

1 The Parties came for hearing on Plaintiffs' Motion for Final Approval of Class Action
2 Settlement on January 3, 2023 at 3:00 p.m. in the Superior Court for the County of Alameda, the
3 Honorable Brad Seligman presiding. The proposed settlement in this case was preliminarily approved
4 by this Court on September 6, 2022. Pursuant to the Court's Order Granting Unopposed Motion for
5 Preliminary Approval of Class Action & PAGA Settlement and the Notice provided to the Class, the
6 Court conducted a final fairness hearing. The Court has reviewed the materials submitted by the
7 Parties and has heard arguments presented by counsel at the hearing.

8 For the reasons cited herein, the Court hereby grants final approval of the Settlement based
9 upon the terms set forth in the Order Granting Unopposed Motion for Preliminary Approval of Class
10 Action Settlement and Class Notice filed by the parties. The Settlement appears to be fair, adequate,
11 and reasonable to the Class and Subclasses (collectively, the "Settlement Class").

12 1. Except as otherwise specified herein, for purposes of this Order, the Court adopts and
13 incorporates by reference all defined terms set forth in the Settlement Agreement.

14 2. The Court finds that this Settlement satisfies the requirements for class action
15 settlement under Code of Civil Procedure section 382, California Rules of Court Rule 3.769, and
16 further finds that the Settlement Class has at all times been adequately represented by the named
17 Plaintiff and Class Counsel.

18 3. The Notice approved by the Court was provided by First Class postage-prepaid mail
19 and email to the last-known address of each of the individuals identified as Class Members, as stated
20 in the declaration of the Settlement Administrator. No email was returned was returned or deemed
21 undeliverable. One mailed notice was returned and resent after a trace search found a new address for
22 the Class Member, and that resent notice has not been returned. The Notice adequately described all of
23 the relevant and necessary parts of the proposed Settlement Agreement, the request for service
24 payments to the Class Representative, and Class Counsel's request for an award of attorneys' fees and
25 costs.

26 4. The Court finds that the Notice given to the Settlement Class was the best notice
27 practicable, satisfied all constitutional due process concerns, and provides the Court with jurisdiction
28 over the Settlement Class Members.

1 5. The Court has concluded that the Settlement, as set forth in the Settlement Agreement
2 executed by the Parties, is fair, reasonable, and adequate under state law. The Court finds that the
3 uncertainty and delay of further litigation support the reasonableness and adequacy of the \$800,000
4 Settlement Amount provided by the Settlement Agreement.

5 6. Out of the identified Settlement Class Members, none has objected to any aspect of the
6 proposed Settlement, and none has opted out of the proposed Settlement. The reaction of the
7 Settlement Class to the proposed settlement strongly supports the conclusion that the proposed
8 Settlement is fair, reasonable, and adequate.

9 7. The Settlement is HEREBY APPROVED in its entirety and the releases encompassed
10 therein are effectuated.

11 8. The Gross Settlement Amount shall be deposited into the Qualified Settlement Fund
12 and dispersed in accordance with the Settlement Agreement as detailed in the Motion for Preliminary
13 Approval of Class Action Settlement, granted on September 6, 2022.

14 9. Class Representative Andrea O'Neal Roberts is hereby awarded \$10,000 for her time
15 and effort in pursuing this litigation, and in recognition of the broader release she signed and the
16 hardships she faced in representing the class.

17 10. Plaintiffs' application for Attorneys' fees in the amount of \$266,666.67 and
18 reimbursement of litigation costs in the amount of \$13,000.00 is hereby granted. In addition, the Court
19 finds that the fee rates set forth in Plaintiff's application for Attorneys' fees are fair and reasonable.
20 Ten percent (10%) or \$26,666.667 of the attorneys' fees shall be held in an interest-bearing account
21 maintained by Class Counsel, pending submission and approval of a final compliance status report
22 after completion of the distribution process.

23 11. Further, the Court approves payment of \$8,204.00 for the Settlement Administrator,
24 Atticus Administration, LLC.

25 12. The Court approves the *cy pres* recipient identified in the Settlement: Renaissance
26 Entrepreneurship Center, which meets the standard articulated in *In re. Microsoft I-V Cases*, 135
27 Cal.App.4th 706, 722 (2006) that "the proposed *cy pres* distribution is useful in fulfilling the purposes
28 of the underlying cause of action."

1 13. The Court finds and determines that the PAGA Distribution Amount of \$22,000,
2 including a PAGA LWDA Payment of \$16,500 as its share of the settlement of civil penalties under
3 the Private Attorney General Act in this case, is fair, reasonable, and appropriate. The Court hereby
4 gives final approval to and orders that the payment of that amount be paid out of the Settlement Fund
5 in accordance with the Settlement Agreement.

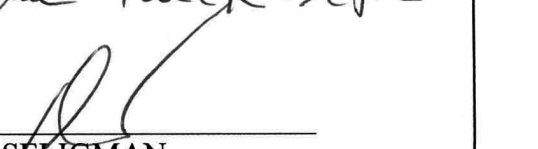
6 14. Neither this Order nor the Settlement Agreement constitutes an admission or
7 concession by any of the released parties of any fault, omission, liability or wrongdoing. This order is
8 not a finding of the validity or invalidity of any claims in this action or a determination of any
9 wrongdoing by the Defendants. The final approval of the Settlement Agreement does not constitute
10 any opinion, position, or determination of this Court, one way or the other, as to the merits of the
11 claims and defenses of Plaintiffs, Defendants, or the Class Members.

12 15. Judgment is hereby entered approving the terms of the Settlement. This document shall
13 constitute a final judgment with respect to the Claims of the Settlement Class.

14 The court shall retain jurisdiction over the parties to enforce the terms of the judgment pursuant
15 to California Rule of Court 3.769 subd. (h), and hold a compliance hearing on 8/15/2023

16 at 3pm. *Compliance report and proposed amended*
17 *IT IS SO ORDERED judgment per CCP 384 due 1 week before*
18 *hearing*

19 Date: 1/3/2023


HON. BRAD SELIGMAN
JUDGE OF THE SUPERIOR COURT