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Jose Vazquez and the Proposed Class

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF VENTURA

JOSE VAZQUEZ, individually, and on
behalf of other members of the general
public similarly situated,

Plaintiff,

v.

ETS EXPRESS, INC., a California
corporation; ETS EXPRESS, LLC, a
California limited liability company, and
DOES 1 through 100, inclusive,

Defendants.

VENTURA SUPERIOR COURT

FILED

04/01/2025

Brenda L. McCormick
Executive Officer and Clerk


Elizabeth Muller

Case No. 56-2020-00545435-CU-OE-VTA

PROPOSED FINAL ORDER AND
JUDGMENT

Hearing Information:

Date: March 21, 2025

Time: 8:20 a.m.

Dept.: 41

Judge: Hon. Ronda McKaig

1 This matter has come before the Honorable Ronda McKaig in Department 41 of the
2 Ventura County Superior Court, located at 800 South Victoria Avenue, Ventura, CA 93009, on
3 Plaintiff Jose Vazquez (“Plaintiff”) Motion for Final Approval of Class Action and PAGA
4 Settlement, Attorneys’ Fees, Costs, and Enhancement Payments (“Motion for Final Approval”).
5 Domb & Rauchwerger LLP and Lawyers for Justice, PC appeared on behalf of Plaintiff; De
6 Castro & Morrow, LLP appeared on behalf of Defendant ETS Express, LLC (“Defendant”).

7 On December 3, 2024, the Court signed the Order Granting Preliminary Approval of Class
8 Action Settlement (“Preliminary Approval Order”), thereby preliminarily approving the
9 settlement of the above-entitled action (“Action”) in accordance with the Class Action and PAGA
10 Settlement Agreement and Class Notice, (attached as **Exhibit 1** to the Declaration of Devin
11 Rauchwerger in support of the Motion for Final Approval dated February 27, 2025, and
12 previously presented to the Court as a part of the Motion for Preliminary Approval on October
13 24, 2024 (“Settlement” or “Settlement Agreement”)), which sets forth the terms and conditions
14 for settlement of the Action.

15 Having reviewed the Settlement Agreement and duly considered the parties’ papers and
16 oral argument, and good cause appearing,

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

18 All terms used herein shall have the same meaning as defined in the Settlement Agreement
19 and the Preliminary Approval Order.

20 This Court has jurisdiction over the claims of the Class Members asserted in this
21 proceeding and over all parties to the Action.

22 The Court finds that the applicable requirements of California Code of Civil Procedure
23 section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with respect to the
24 Class and the Settlement. The Court hereby makes final its earlier provisional certification of the
25 Class for settlement purposes, as set forth in the Preliminary Approval Order. The Class is hereby
26 defined to include:

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1 All current and former hourly-paid or non-exempt employees of Defendants in
2 California employed between September 17, 2016 through September 25, 2024.

3 The Court Approved Notice of Class Action Settlement and Hearing Date for Final Court
4 Approval (“Class Notice”) that was provided to the Class Members, fully and accurately informed
5 the Class Members of all material elements of the Settlement and of their opportunity to
6 participate in the Settlement, object to or comment on the Class Settlement, or to seek exclusion
7 from the Class Settlement; was the best notice practicable under the circumstances; was valid and
8 provided sufficient notice to all Class Members; and complied fully with the laws of the State of
9 California, the United States Constitution, due process and other applicable law. The Class Notice
10 fairly and adequately described the Settlement and provided the Class Members with adequate
11 instructions and a variety of means to obtain additional information.

12 Pursuant to California law, the Court hereby grants final approval of the Settlement and
13 finds that it is reasonable and adequate, and in the best interests of the Class as a whole. More
14 specifically, the Court finds that the Settlement was reached following meaningful investigation
15 conducted by Domb & Rauchwerger LLP and Lawyers *for* Justice, PC (“Class Counsel”); that
16 the Settlement is the result of serious, informed, adversarial, and arms-length negotiations
17 between the parties; and that the terms of the Settlement are in all respects fair, adequate, and
18 reasonable. In so finding, the Court has considered all of the evidence presented, including
19 evidence regarding the strength of Plaintiff’s claims; the risk, expense, and complexity of the
20 claims presented; the likely duration of further litigation; the amount offered in the Settlement;
21 the extent of investigation and discovery completed; and the experience and views of Class
22 Counsel. The Court has further considered the absence of objections to the Class Settlement
23 submitted by Class Members. Accordingly, the Court hereby directs that the Settlement be
24 affected in accordance with the Settlement Agreement and the following terms and conditions.

25 A full opportunity has been afforded to the Class Members to participate in the Final
26 Approval Hearing, and all Class Members and other persons wishing to be heard have been heard.
27 The Class Members also have had a full and fair opportunity to exclude themselves from the Class
28 Settlement. Accordingly, the Court determines that all Class Members who did not submit a

1 timely and valid Request for Exclusion (“Participating Class Members”) are bound by the Class
2 Settlement and by this order and judgment (“Final Approval Order and Judgment”) and Plaintiff
3 and the State of California are bound by the PAGA Settlement and this Final Approval Order and
4 Judgment.

5 The Court finds that the settlement of the Released PAGA Claims for \$175,000.00, which
6 is designated and allocated as penalties under the California Private Attorneys General Act of
7 2004 (“PAGA Payment”), is fair, reasonable, and appropriate, and hereby approved. The
8 Administrator shall distribute the PAGA Payment as follows: the amount of \$131,250.00 to the
9 California Labor and Workforce Development Agency, and the amount of \$43,750.00 to
10 Aggrieved Employees, in accordance with the terms and methodology set forth in the Settlement
11 Agreement.

12 The Court finds that payment of Administration Costs in the amount of \$10,000.00 is
13 appropriate for the services performed and costs incurred and to be incurred for the notice and
14 settlement administration process. It is hereby ordered that the Administrator, Phoenix Class
15 Action Administration Solutions, shall issue payment to itself in the amount of \$10,000.00, in
16 accordance with the terms and methodology set forth in the Settlement Agreement.

17 The Court finds that the Enhancement Payment sought is fair and reasonable for the work
18 performed by Plaintiff on behalf of the Class, the State of California, and Aggrieved Employees.
19 It is hereby ordered that the Administrator issue payments in the amount of \$5,000.00 to Plaintiff
20 for his Enhancement Payment according to the terms and methodology set forth in the Settlement
21 Agreement.

22 The Court finds that the request for attorneys’ fees in the amount of \$262,500.00 to Class
23 Counsel falls within the range of reasonableness, and the results achieved justify the award
24 sought. The requested attorneys’ fees to Class Counsel are fair, reasonable, and appropriate, and
25 are hereby approved. It is hereby ordered that the Administrator issue payment in the amount of
26 \$262,500.00 to Class Counsel for attorneys’ fees (\$220,500.00 to Lawyers for Justice PC and
27 \$42,000.00 to Domb & Rauchwerger LLP), in accordance with the terms and methodology set
28 forth in the Settlement Agreement.

1 The Court finds that reimbursement of litigation costs and expenses in the amount of
2 \$13,249.06 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the
3 Administrator issue payment in the amount of \$13,249.06 to Class Counsel (\$12,229.66 to
4 Lawyers for Justice PC and \$1,019.40 to Domb & Rauchwerger LLP) for reimbursement of
5 litigation costs and expenses, in accordance with the terms and methodology set forth in the
6 Settlement Agreement.

7 The Court hereby enters Judgment by which Participating Class Members shall be
8 conclusively determined to have given a release of any and all Released Class Claims against the
9 Released Parties, and Plaintiff, as agents and proxy of the LWDA, shall be conclusively
10 determined to have given a release of any and all Released PAGA Claims against the Released
11 Parties, as set forth in the Settlement Agreement and Class Notice.

12 It is hereby ordered that pursuant to the terms of the Settlement Agreement, no later than
13 fourteen (14) calendar days after the Effective Date, Defendant shall deposit into the QSF
14 established by the Settlement Administrator the Gross Settlement Amount and the employer's
15 share of payroll taxes.

16 Each Class Member's portion of the Net Settlement Amount shall be distributed as one
17 single check. Settlement distribution checks shall be negotiable for 180 days from the date of
18 mailing. If any checks remain uncashed or not deposited by the expiration of the 180-day period,
19 the Settlement Administrator will transfer the uncashed checks to the California Controller's
20 Unclaimed Property Fund in the name of the Class Member thereby leaving no "unpaid residue"
21 subject to the requirements of California Code of Civil Procedure Section 384, subd. (b).

22 The Net Settlement Amount will be distributed to each Settlement Class Member and
23 calculated by: (a) dividing the Net Settlement Amount by the total number of Workweeks worked
24 by all Participating Class Members during the Class Period and (b) multiplying the result by each
25 Participating Class Member's Workweeks. (SA § 3.2.4) With respect to the Individual PAGA
26 Payments, the Administrator will calculate the amount by: (a) dividing the amount of the
27 Aggrieved Employees' 25% share of PAGA Penalties (\$43,750) by the total number of PAGA
28 Period Workweeks worked by all Aggrieved Employees during the PAGA Period and (b)

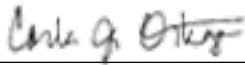
1 multiplying the result by each Aggrieved Employee's PAGA Period workweeks. (SA § 3.2.5.1.)

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

7 Notice of entry of this Final Approval Order and Judgment shall be given to the
8 Participating Class Members and Aggrieved Employees by the Administrator posting a copy of
9 this Final Order and Judgment on the Administrator's website at [https://vazquez-v-ets-](https://vazquez-v-ets-express.phoenixcases.com/)
10 [express.phoenixcases.com/](https://vazquez-v-ets-express.phoenixcases.com/) for a period of at least sixty (60) calendar days after the date of entry
11 of this Final Approval Order and Judgment. Individualized notice is not required.

12 The Court sets a non-appearance Final Review Hearing on December 5, 2025 at 8:20 a.m.
13 in Department 41. The Parties are ordered to file a Final Report regarding the distribution of
14 funds no later than 10 days prior to the Final Review Hearing.

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16
17 Dated: 03/21/2025


HONORABLE RONDA MCKAIG Carla J. Ortega
JUDGE OF THE SUPERIOR COURT