

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

NOV 04 2022

BY 
JESSICA MORALES, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

Carmen Prado Andrade, an individual, on behalf
of herself and on behalf of all persons similarly
situated,

Plaintiff,

vs.

Employment Solutions Management, Inc., a
Georgia Corporation (d/b/a EmployBridge, LLC);
and DOES 1 through 50, inclusive,

Defendant.

Case No. CIVDS2023816

Assigned for All Purposes to the Honorable
Judge David Cohn (Dept. S-26)

~~[proposed]~~ ORDER GRANTING MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
APPLICATION FOR ATTORNEYS' FEES,
COSTS, AND SERVICE ENHANCEMENT

Hearing Date: November 4, 2022

Hearing Time: 10:00 a.m.

Location: Dept. S-26

Complaint Filed: October 19, 2020

FAC Filed: February 1, 2021

Trial Date: Not Set

1 **TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:**

2 Plaintiff Carmen Prado Andrade (“Plaintiff” or “Andrade”) filed a Motion for Final
3 Approval of Class Action Settlement and Applications for Attorneys’ Fees, Costs, and Service
4 Enhancement, as set forth in the Joint Stipulation of Settlement and Release of Class Action (the
5 “Settlement”), reached with Defendant Employment Solutions Management Inc. (“Defendant” or
6 “ESMI”), which was preliminarily approved by this Court on July 26, 2022. Good cause
7 appearing, Plaintiff’s Motion is **GRANTED** and it is hereby ordered as follows:

8 1. The Court certifies for settlement purposes a settlement class comprised of “*all non-*
9 *exempt operational employees of Defendant who worked in California at any time from October 19,*
10 *2016 through July 26, 2022 who were eligible to participate in one or more bonus/incentive*
11 *compensation plans and who did not elect to exclude themselves from the Settlement Class.*”

12 2. The Court, having fully and carefully considered the Motions for Preliminary
13 Approval and Final Approval, including the evidence filed in support thereof, finds that good cause
14 exists and finds that the settlement is fair, reasonable, and adequate to the Settlement Class and to
15 each Class Member. The Settlement is hereby ordered finally approved and the Court directs that
16 this Order granting final approval of the Settlement shall be entered as a Final Judgment.

17 3. The Court further finds and determines that the Settlement Payments to be paid to
18 eligible, participating Settlement Class Members are fair and reasonable. The Court hereby gives
19 final approval to those amounts and orders that the Settlement Payments be made to the eligible,
20 participating Settlement Class Members, in accordance with the terms of the Settlement.

21 4. Notice was provided to the Class Members in compliance with the Settlement, due
22 process, and Rule 3.769 of the California Rules of Court (“CRC”). The Notice: (i) fully and
23 accurately informed Class Members about the lawsuit and settlement; (ii) provided sufficient
24 information so that Class Members were able to decide whether to accept the benefits offered, opt-
25 out and pursue their own remedies, or object to the proposed settlement; (iii) provided procedures
26 for Class Members to file objections to the proposed settlement, and (iv) provided the final fairness
27 hearing’s date, time, and location. The Court finds that notice to the Settlement Class, including the
28 mailing of the Class Notice, as set forth in the Settlement, has been completed in conformity with

1 the Preliminary Approval Order, including individual notice to all Class Members who could be
2 identified through reasonable effort. The Court finds that said notice was the best notice practicable
3 under the circumstances, which satisfied the requirements of law and due process, and was
4 reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of
5 the action and afford them the opportunity to present their objections. The Court finds and
6 determines that this notice procedure afforded due and adequate protections to the Settlement Class
7 Members and provides the basis for the Court to make an informed decision regarding approval of
8 the Settlement based on the response of the Settlement Class. The Class Notice provided due and
9 adequate notice of the proceedings of the matters set forth therein, including the proposed settlement
10 set forth in the Settlement Agreement, to all persons entitled to such notice, and the Class Notice
11 satisfied the requirements of due process. The Court finds that no member of the Settlement Class
12 filed any written objection to the proposed settlement as part of this notice process and that no
13 member of the Settlement Class stated an intention to appear at the final approval hearing.

14 5. The Court finds that one (1) timely and valid exclusion was submitted by Class
15 Member Michael Whiting to the Settlement Administrator which shall exclude him as a Member of
16 the Settlement Class. Mr. Whiting remains a PAGA Member.

17 6. The Court orders that any Class Member who did not timely file an exclusion in
18 accordance with the Settlement is hereby permanently enjoined and forever barred from instituting,
19 asserting or prosecuting, directly, representatively, derivatively or in any other capacity against the
20 Released Parties any and all released claims as set forth in the Settlement Agreement.

21 7. The Court directs payment of Settlement Administration costs to Atticus
22 Administration, LLC ("Atticus") in the amount of \$9,347.00.

23 8. The Court awards Class Counsel the sum of \$11,364.36 for reimbursement of
24 incurred costs and the sum of \$55,000.00 for attorneys' fees.

25 9. The Court awards named Plaintiff Carmen Prado Andrade the sum of \$5,000.00 as a
26 Class Representative Service Enhancement.

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1 10. In accordance with its duty under California Labor Code § 2699.3(b)(4), in reviewing
2 and approving of this Settlement, the Court directs payment of \$15,000.00 be sent to the State of
3 California Labor and Workforce Development Agency ("LWDA"), pursuant to the Private Attorneys
4 General Act ("PAGA").

5 11. The Court orders that, notwithstanding entry of final judgment and pursuant to CRC
6 3.769(h), the Court shall retain continuing jurisdiction in this matter for the purposes of
7 interpreting or enforcing the Settlement or final judgment.

8 12. The Court sets an OSC Re Settlement Compliance and Final Accounting for
9 11/6, 2023 at 9:00 a.m. / p.m. in Dept. S-26 of this Court. Further, the
10 Court hereby orders counsel to file a Declaration from the Settlement Administrator (*i.e.*
11 Atticus) Re Compliance with Settlement Administration and Final Accounting no later than
12 five (5) Court days prior to the OSC.

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16 DATED: 11/4/27



Honorable Judge David Cohn
Superior Court of California, Cty. of San Bernardino