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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

NADIA TULIAU, an individual, on
behalf of herself and all others similarly
situated and as a private attorney general
pursuant to the Private Attorneys General
Act,

Plaintiff,

v.

THE KROGER CO., RALPHS
GROCERY COMPANY, and DOES 1
through 10,

Defendants.

Lead Case No. RIC2002168
Consolidated with Case No. CVRI2100447

Hon. Harold W. Hopp
Dept. 1

CONSOLIDATED CLASS AND PAGA ACTION

**~~PROPOSED~~ FINAL APPROVAL ORDER
AND JUDGMENT**

Hearing Date: May 15, 2025
Hearing Time: 8:30 a.m.

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	Date Action Filed: June 26, 2020 Trial Date: Not Yet Set
KARLOS WHITE-VALDEZ, on behalf of the State of California and Aggrieved Employees, Plaintiff, v. THE KROGER CO. and RALPHS GROCERY, and DOES 1 through 50, inclusive, Defendants.	Case No. CVRI2100447 Date Action Filed: January 29, 2021 Trial Date: Not Yet Set

1 This matter has come before the Honorable Harold W. Hopp in Department 1 of the above-
2 entitled Court on the Motion of Plaintiffs Nadia Tuliau and Karlos White-Valdez (“Plaintiffs”) for
3 Final Approval of Class Action and PAGA Settlement, Attorneys’ Fees and Expenses, and Service
4 Payments (“Motion for Final Approval”). The Dion-Kindem Law Firm and Schneider Wallace
5 Cottrell Konecky LLP appeared on behalf of Plaintiffs, and Davis Wright Tremaine LLP appeared
6 on behalf of Defendants Ralphs Grocery Company and The Kroger Co. (“Defendants”).

7 On January 14, 2025, the Court entered the Order Granting Preliminary Approval of Class
8 Action Settlement (“Preliminary Approval Order”), thereby preliminarily approving the settlement
9 of the above-entitled action in accordance with the Class Action and PAGA Settlement Agreement
10 and Release (“Settlement,” “Agreement,” or “Settlement Agreement,” filed on November 13, 2024
11 and attached as **Exhibit A** to the declaration of attorney Carolyn Cottrell), which, together with the
12 exhibits annexed thereto, set forth the terms and conditions for the settlement of the Action.

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

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

16 1. All terms used herein shall have the same meaning as defined in the Settlement
17 Agreement and the Preliminary Approval Order.

18 2. This Court has jurisdiction over Plaintiffs, Defendants, and the claims of Plaintiffs,
19 the Class Members, the State of California, and the PAGA Group Members asserted herein.

20 3. The Court finds that the applicable requirements of Code of Civil Procedure section
21 382 and California Rules of Court, rule 3.769 et seq., have been satisfied with respect to the Class
22 and the Settlement.

23 4. The Notice of Class Action Settlement (“Notice”) that was provided to the Class
24 Members fully and accurately informed them of all material elements of the Settlement and of their
25 right to object to the Class Settlement; was the best notice practicable under the circumstances; was
26 valid, due, and sufficient notice to all Class Members; and complied fully with the laws of the State
27 of California, the United States Constitution, due process and other applicable law. The Notice
28

1 fairly and adequately described the Settlement and provided the Class Members with adequate
2 instructions and a variety of means to obtain additional information.

3 5. Pursuant to California law, the Court hereby grants final approval of the Settlement
4 and finds that it is fair, reasonable, and adequate, and in the best interests of the Class as a whole.
5 The Court finds that the allocation of \$13,000.00 toward the Wage Statement Class Fund to be
6 divided equally among the 256 Class Members is fair, reasonable, and appropriate, and hereby
7 approved. The Court further finds that the Settlement was reached following meaningful discovery
8 and investigation conducted by The Dion-Kindem Law Firm and Peter Dion-Kindem, P.C, The
9 Blanchard Law Group, APC, and Schneider Wallace Cottrell Konecky LLP (“Class Counsel”); that
10 the Settlement is the result of serious, informed, adversarial, and arms-length negotiations between
11 the parties; and that the terms of the Settlement are in all respects fair, adequate, and reasonable.
12 In so finding, the Court has considered all of the evidence presented, including evidence regarding
13 the strength of Plaintiffs’ claims; the risk, expense, and complexity of the claims presented; the
14 likely duration of further litigation; the amount offered in the Settlement; the extent of investigation
15 and discovery completed; and the experience and views of Class Counsel. The Court has further
16 considered the absence of objections to the Settlement submitted by Class Members. Accordingly,
17 the Court hereby directs that the Settlement be affected in accordance with the Settlement
18 Agreement and the following terms and conditions.

19 6. A full opportunity has been afforded to the Class Members to participate in the Final
20 Approval Hearing, and all Class Members and other persons wishing to be heard have been heard.
21 The Class Members also had a full and fair opportunity to exclude themselves from the Settlement,
22 upon being provided with notice of this Court’s May 10, 2023 order granting certification of the
23 Wage Statement Class. Accordingly, the Court determines that all Wage Statement Class Members
24 who did not timely and validly opt out of the Wage Statement Class at that time are Class Members
25 bound by this Final Approval Order and Judgment.

26 7. The Court finds that Wage Statement Class Members Leonard Gonzales, Edwin
27 McKellop, Steven Thomas, and Socorro Tovar timely and validly opted out of the Class and, thus,
28 will not be bound by this Final Approval Order and Judgment.

1 8. The Court finds that the allocation of \$2,224,135.59 toward penalties under the
2 Labor Code Private Attorneys General Act of 2004 (“PAGA Settlement Amount”) is fair,
3 reasonable, and appropriate, and hereby approved. The Settlement Administrator shall distribute
4 the PAGA Settlement Amount as follows: the amount of \$1,668,101.69 to the California Labor and
5 Workforce Development Agency, and the amount of \$556,033.90 to form the PAGA Fund from
6 which individual PAGA Settlement Awards will be determined and distributed to all PAGA Group
7 Members, according to the terms and methodology set forth in the Settlement Agreement. PAGA
8 Group Members are defined to include:

9 Plaintiffs and all current and former non-exempt distribution
10 center employees who were employed by Ralphs in
11 California during the PAGA Period.

12 9. The Court finds that payment of Settlement Administration Costs in the amount of
13 \$17,500.00 is appropriate for the services performed and costs incurred and to be incurred for the
14 notice and settlement administration process. It is hereby ordered that the Settlement
15 Administrator, Phoenix Class Action Administration Solutions, shall issue payment to itself in the
16 amount of its actual costs not to exceed \$17,500.00, in accordance with the terms and methodology
17 set forth in Settlement Agreement.

18 10. The Court finds that the Service Payments sought are fair and reasonable for the
19 work performed by Plaintiffs as class and PAGA representatives and in exchange for Plaintiffs’
20 general releases of claims. It is hereby ordered that the Settlement Administrator issue payments
21 in the amounts of \$15,000.00 each to Plaintiffs Nadia Tuliau and Karlos White-Valdez for their
22 respective Service Payments, according to the terms and methodology set forth in the Settlement
23 Agreement.

24 11. The Court finds that the request for attorneys’ fees of \$1,260,000.00 in the following
25 amounts to Class Counsel falls within the range of reasonableness, and the results achieved justify
26 the award sought.

Firm	Requested Attorneys’ Fees
The Dion-Kindem Law Firm	\$378,000.00

Peter R. Dion-Kindem, P.C.	
The Blanchard Law Group, APC	\$378,000.00
Holmes Law Group, APC	\$189,000.00
Schneider Wallace Cottrell Konecky LLP	\$315,000.00

12. The requested attorneys' fees to Class Counsel are fair, reasonable, and appropriate, and are hereby approved. It is hereby ordered that the Settlement Administrator issue payment in the amounts set forth above to Class Counsel for attorneys' fees, in accordance with the terms and methodology set forth in the Settlement Agreement.

13. The Court finds that reimbursement of litigation costs and expenses of \$55,364.41 in the following amounts to Class Counsel is reasonable, and hereby approved.

Firm	Requested Costs and Expenses
The Dion-Kindem Law Firm Peter R. Dion-Kindem, P.C.	16,512.01
The Blanchard Law Group, APC	15,788.29
Schneider Wallace Cottrell Konecky LLP	\$23,064.11

14. It is hereby ordered that the Settlement Administrator issue payment in the amounts set forth above to Class Counsel for reimbursement of litigation costs and expenses, in accordance with the terms and methodology set forth in the Settlement Agreement.

15. The Court hereby approves the Settlement on the terms set forth in the Settlement Agreement and enters Judgment thereon. Each and every Class Member shall be and hereby is bound by the Settlement and this Order and Judgment, including the release of all Released Class Claims against all Released Parties, as set forth in the Settlement Agreement. In addition, the State of California and each and every PAGA Group Member shall be and hereby are bound by the Settlement and this Order and Judgment, including the release of all Released PAGA Claims against any and all Released Parties, as set forth in the Settlement Agreement. (See *Arias v. Superior Court* (2009) 46 Cal.4th 969.)

1 16. It is hereby ordered that, within five (5) court days of the entry of this Judgment,
2 Plaintiff White-Valdez shall take the steps necessary to secure: (i) the dismissal of his individual
3 claims, PAGA or otherwise, in the White-Valdez Action, with prejudice; (ii) the dismissal of the
4 non-individual PAGA representative claims in the White-Valdez Action, without prejudice; and
5 (iii) the dismissal of the White Valdez Arbitration in its entirety, with prejudice.

6 17. It is hereby ordered that Defendant shall remit the Settlement Fund Amount into a
7 Settlement Fund established by the Settlement Administrator within ten (10) business days after
8 the Effective Date, in accordance with the terms and methodology set forth in the Settlement
9 Agreement.

10 18. It is hereby ordered that the Settlement Administrator shall distribute Class
11 Settlement Award checks to the Class Members and the PAGA Settlement Award checks to the
12 PAGA Group Members within ten (10) business days after Defendant's remittance to the
13 Settlement Administrator of the Settlement Fund Amount, according to the methodology and terms
14 set forth in the Settlement Agreement. Any envelope transmitting a settlement distribution to a
15 Class Member shall bear the notation, "YOUR CLASS ACTION SETTLEMENT CHECK IS
16 ENCLOSED."

17 19. Each check issued to a Class Member or PAGA Group Member shall remain valid
18 and negotiable for a period of one hundred and eighty (180) calendar days from the date of issuance
19 of the check, and after this time period, the check(s) shall be automatically cancelled if not cashed,
20 deposited, or otherwise negotiated by the Class Member or PAGA Group Member within that time,
21 although the individual shall remain a Class Member and/or PAGA Group Member, as applicable,
22 bound by the Judgment entered herein. The Settlement Administrator shall mail a reminder
23 postcard to any Class Member whose settlement distribution check has not been negotiated within
24 60 days after the date of mailing. After 180 days, any amounts from cancelled checks shall be
25 transmitted to the Controller of the State of California, as further described in the Settlement
26 Agreement, in accordance with Code of Civil Procedure section 384.

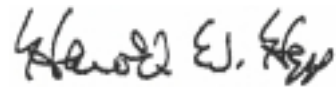
27 20. After entry of this Final Approval Order and Judgment, pursuant to California Rules
28 of Court, rule 3.769(h), the Court shall retain jurisdiction over the parties to construe, interpret,

1 implement, and enforce the Settlement Agreement and this Final Approval Order and Judgement,
2 to hear and resolve any contested challenge to a claim for settlement benefits, and to supervise and
3 adjudicate any dispute arising from or in connection with the distribution of settlement benefits.

4 21. Notice of entry of this Final Approval Order and Judgment shall be given to the
5 Class Members by posting a copy of the Final Approval Order and Judgment on Phoenix Class
6 Action Administration Solutions' website for a period of at least sixty (60) calendar days after the
7 date of entry of this Final Approval Order and Judgment. Individualized notice is not required.

8 22. A Final Report (Nonappearance) Hearing is set for February 27, 2026, to report on
9 the status of the settlement administration and distribution of settlement funds. No later than five
10 (5) court days before the Final Report (Nonappearance) Hearing, Plaintiffs must file a report
11 pursuant to Code of Civil Procedure section 384, subdivision (b), concerning the amount of money
12 distributed and, if there is unpaid residue to be distributed, shall be accompanied by a proposed
13 amended judgment. The report shall be in the form of a declaration from the Settlement
14 Administrator and shall comply with Section J of the Court's Class Action Case Management Order
15 #1, filed August 5, 2020.

16 Dated: June 9, 2025



17 The Honorable Harold W. Hopp
18 Judge of the Superior Court