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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF ORANGE**

15 KRISTA OZUNA, individually and on behalf
of other members of the general public
16 similarly situated and on behalf of other
aggrieved employees pursuant to the
17 California Private Attorneys General Act,

18 Plaintiff,

19 v.

20 CMRE FINANCIAL SERVICES, INC., a
California corporation; and DOES 1 through
21 100, inclusive,

22 Defendants.
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

NOV 30 2021

DAVID H. YAMASAKI, Clerk of the Court

BY:  DEPUTY

Case No.: 30-2019-01087365-CU-OE-CXC
Honorable William D. Claster
Department CX104

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

Final Approval Hearing

Hearing Date: October 8, 2021
Time: 9:00 a.m.
Courtroom: CX104

Complaint Filed: August 1, 2019
FAC Filed: April 16, 2021
Jury Trial Date: None Set

1 This matter comes before the Honorable William Claster in Department CX104 of the above-
2 entitled Court, located at 751 West Santa Ana Blvd., Santa Ana, California 92701, on Plaintiff's
3 Krista Ozuna ("Plaintiff") Motion for Final Approval of Class Action Settlement, Class Counsel
4 Award, and Enhancement Payment ("Motion for Final Approval").

5 On April 26, 2021, the Court entered the Order Granting Preliminary Approval of Class
6 Action Settlement ("Preliminary Approval Order") thereby preliminarily approving the settlement of
7 the above-entitled action ("Action") in accordance with the Class Action and PAGA Settlement
8 Agreement and Stipulation, along with the Amendment to Class Action and PAGA Settlement
9 Agreement and Stipulation (together, "Settlement," "Agreement," or "Settlement Agreement"),
10 which, together with the exhibits annexed thereto, set forth the terms and conditions for settlement
11 of the Action.

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

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

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

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

19 3. The Court has reviewed the supplemental briefing filed in response to the prior
20 minute order. The motion for final approval of class action settlement is GRANTED. The Court
21 finds that the applicable requirements of California Code of Civil Procedure section 382 and
22 California Rule of Court 3.769, *et seq.*, have been satisfied with respect to the Class and the
23 Settlement. The Court hereby makes final its earlier provisional certification of the Class for
24 settlement purposes, as set forth in the Preliminary Approval Order. The Class is hereby defined to
25 include:

26 All persons employed in California by Defendant CMRE Financial Services, Inc.
27 as hourly-paid or non-exempt employees at any time during the time period from
28 August 1, 2015 to August 1, 2020 ("Class" or "Class Members").

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

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

22 6. A full opportunity has been afforded to the Class Members to participate in the Final
23 Approval Hearing, and all Class Members and other persons wishing to be heard have been heard.
24 The Class Members also have had a full and fair opportunity to exclude themselves from the
25 Settlement. Accordingly, the Court determines that all Class Members who did not submit a timely
26 and valid Request for Exclusion or a timely and complete Request for Exclusion Form to the
27 Settlement Administrator ("Settlement Class Members") are bound by this Final Approval Order
28 and Judgment.

1 7. The Court finds that the five (5) Class Members who did submit timely and
2 completed Request for Exclusion Forms: Barbara Cruz, Nicholas Anthony Ballinger, Yvonne
3 Ricard, Monica S. Yanez, and Amanda Adriana Jaimes, have timely and validly opted out of the
4 Settlement and will not be bound by this Final Approval Order and Judgment.

5 8. The Court finds that payment of Administration Costs in the amount of \$21,500, per
6 the administrator's declaration, is appropriate for the services performed and costs incurred and to
7 be incurred for the notice and settlement administration process. It is hereby ordered that the
8 Settlement Administrator, CPT Group Inc., shall issue payment to itself in the amount of \$21,500,
9 in accordance with the terms and methodology set forth in Settlement Agreement.

10 9. The Court finds that the Enhancement Payment sought is fair and reasonable for the
11 work performed by Plaintiff on behalf of the Class. It is hereby ordered that the Settlement
12 Administrator issue payment in the amount of \$5,000 to Plaintiff Krista Ozuna as an Enhancement
13 Payment for her services in bringing and prosecuting the Action as Class Representative, according
14 to the terms set forth in the Settlement Agreement.

15 10. The Court approves attorneys' fees in the amount of \$270,000, or 30% of the GSA,
16 to Class Counsel. The Court finds this amount to be a reasonable result in light of the quality of the
17 result obtained, the work performed by Class Counsel, a review of the billing information provided,
18 and the estimated lodestar. In approving this amount and examining the billing records provided,
19 the Court is not approving any particular hourly billing rates proposed by Class Counsel. It is hereby
20 ordered that the Settlement Administrator issue payment in the amount of \$270,000 to Class Counsel
21 for attorneys' fees, in accordance with the terms and methodology set forth in the Settlement
22 Agreement.

23 11. The Court finds that the full amount sought in reimbursement of litigation costs and
24 expenses in the amount of \$17,940.14 to Lawyers for Justice and \$469.87 to CounselOne, PC is
25 reasonable, and hereby approved. It is hereby ordered that the Settlement Administrator issue
26 payment in the amount of \$17,940.14 to Lawyers for Justice and \$469.87 to CounselOne, PC for
27 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set
28 forth in the Settlement Agreement.

1 12. The Court finds that payment to the California Labor and Workforce Development
2 Agency ("LWDA") for civil penalties in the amount of \$37,500 – which is seventy-five percent
3 (75%) of the allocated PAGA Payment of \$50,000 set forth in the Settlement Agreement – pursuant
4 to statute, is approved.

5 13. The Court hereby enters Judgment by which Settlement Class Members shall be
6 conclusively determined to have given a release of any and all Class Released Claims against the
7 Released Parties, as set forth in the Settlement Agreement and Class Notice.

8 14. It is hereby ordered that Defendant shall fund the Gross Settlement Amount and
9 Employer Taxes to the Settlement Administrator within ten (10) business days after the Effective
10 Date, in accordance with the terms and methodology set forth in the Settlement Agreement.

11 15. It is hereby ordered that the Settlement Administrator shall distribute Individual
12 Settlement Payments to the Settlement Class Members within fourteen (14) calendar days after the
13 Effective Date, according to the methodology and terms set forth in the Settlement Agreement.

14 16. Individual Settlement Payment checks shall remain valid and negotiable for one
15 hundred and eighty (180) calendar days from the date of their issuance. If a Settlement Class
16 Member does not negotiate his or her Individual Settlement Payment check within one hundred and
17 eighty (180) calendar days of issuance, his or her uncashed check shall be cancelled, and all funds
18 associated with such cancelled checks shall be transmitted to the Unclaimed Property Division of
19 the State of California (State Controller's Office) in the Settlement Class Member's name.

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

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1 18. Notice of entry of this Final Approval Order and Judgment shall be given to the Class
2 Members by posting a copy of the Final Approval Order and Judgment on CPT Group, Inc.'s
3 website, for a period of at least sixty (60) calendar days after the date of entry of this Final Approval
4 Order and Judgment, until the date that is fourteen (14) calendar days after the expiration of the
5 Individual Settlement Payment checks issued to Settlement Class Members. Individualized notice
6 is not required.

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9 Dated: _____

11/30/21



HONORABLE WILLIAM D. CLASTER
JUDGE OF THE SUPERIOR COURT

CASE NAME:
Ozuna v. CMRE Financial Services, Inc., et al.

CASE NUMBER:
30-2019-01087365-CU-OE-CXC

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and not a party to this action.

a. My residence or business address is (*specify*):
9301 Wilshire Blvd., Suite 650
Beverly Hills, CA 90210

b. My electronic service address is (*specify*):
lanie@counselonegroup.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*if the person served is an attorney, the party or parties represented should also be stated.*):
Ryan D. McCortney, Esq. and Matthew M. Sonne, Esq., attorneys for Defendant CMRE Financial Services, Inc.

b. To (*electronic service address of person served*):
rmccortney@sheppardmullin.com; msonne@sheppardmullin.com

c. On (*date*):
November 16, 2021

☐ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 16, 2021

Lanie Lim

(TYPE OR PRINT NAME OF DECLARANT)

► 
(SIGNATURE OF DECLARANT)