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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS**

MONICA MONTALBO, individually, and on
behalf of other members of the general public
similarly situated;

Plaintiff,

vs.

HM.CLAUSE, INC. DBA HARRIS MORAN
SEED COMPANY, a California corporation;
and DOES 1 through 100, inclusive,

Defendants.

MONICA MONTALBO, individually, and on
behalf of other aggrieved employees pursuant
to the California Private Attorneys General
Act;

Plaintiff,

vs.

HM.CLAUSE, INC., DBA HARRIS
MORAN SEED COMPANY, a California
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No. CV-20-004516 [Lead]
[Consolidated with Case No. CV-20-
005703]

Honorable Sonny S. Sandhu
Department 24

CLASS AND PAGA ACTION

**[PROPOSED] FINAL APPROVAL
ORDER AND JUDGMENT**

Date: May 19, 2022
Time: 8:30 a.m.
Department: 24

Complaint Filed: October 13, 2020
Trial Date: None Set

1 This matter has come before the Honorable Sonny S. Sandhu in Department 24 of the
2 Superior Court of the State of California, for the County of Stanislaus, on May 19, 2022 at 8:30
3 a.m. for Plaintiff's Motion for Final Approval of Class Action Settlement, Attorneys' Fees and
4 Costs, and Enhancement Award ("Motion for Final Approval"). Lawyers *for* Justice, PC appears
5 as counsel for Plaintiff Monica Montalbo ("Plaintiff"), individually and on behalf of all others
6 similarly situated and other aggrieved employees, and Rutan & Tucker, LLP appears as counsel
7 for Defendant HM.Clause, Inc. ("Defendant").

8 On October 15, 2021, the Court entered the Order Granting Preliminary Approval of Class
9 Action Settlement ("Preliminary Approval Order") thereby preliminarily approving the settlement
10 of the above-entitled action ("Action") in accordance with the Settlement Agreement and
11 Stipulation to Resolve Class Action and PAGA Claims ("Settlement," "Agreement," or
12 "Settlement Agreement"), which, together with the exhibits annexed thereto, set forth the terms
13 and conditions for settlement of the Action.

14 The Court, having carefully considered the papers, argument of counsel, and all matters
15 presented to the Court, and good cause appearing, hereby GRANTS Plaintiff's Motion for Final
16 Approval of Class and PAGA Action Settlement.

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

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

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

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

27 All current and former employees who worked in a non-exempt or hourly-paid
28 position for HM.Clause, Inc. within the State of California during the period from
October 13, 2016 through October 15, 2021.

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, seek exclusion from, or object to the
4 Settlement; was the best notice practicable under the circumstances; was valid, due, and sufficient
5 notice to all Class Members; and complied fully with the laws of the State of California, the United
6 States Constitution, due process and other applicable law. The Class Notice fairly and adequately
7 described the Settlement and provided the Class Members with adequate instructions and a variety
8 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 Lawyers *for* Justice, PC (“Class Counsel”); that the Settlement is the
13 result of serious, informed, adversarial, and arms-length negotiations between the parties; and that
14 the terms of the Settlement are in all respects fair, adequate, and reasonable. In so finding, the
15 Court has considered all of the evidence presented, including evidence regarding the strength of
16 Plaintiff's claims; the risk, expense, and complexity of the claims presented; the likely duration of
17 further litigation; the amount offered in the Settlement; the extent of investigation and discovery
18 completed; and the experience and views of Class Counsel. The Court has further considered the
19 absence of objections to and requests for exclusion from the Settlement submitted by Class
20 Members. Accordingly, the Court hereby directs that the Settlement be affected in accordance
21 with the Settlement Agreement and the following terms and conditions.

22 6. A full opportunity has been afforded to the Class Members to participate in the
23 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been
24 heard. The Class Members also have had a full and fair opportunity to exclude themselves from
25 the Settlement. Accordingly, the Court determines that all Class Members who did not timely and
26 validly opt out of the Settlement (“Participating Class Member”) are bound by this Final Approval
27 Order and Judgment.

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1 7. The Court finds that payment of Settlement Administration Costs in the amount of
2 \$12,000.00 is appropriate for the services performed and costs incurred and to be incurred for the
3 notice and settlement administration process. It is hereby ordered that the Settlement
4 Administrator, ILYM Group, Inc., shall issue payment to itself in the amount of \$12,000.00, in
5 accordance with the terms and methodology set forth in Settlement Agreement.

6 8. The Court finds that the Enhancement Award sought is fair and reasonable for the
7 work performed by Plaintiff on behalf of the Class. It is hereby ordered that the Settlement
8 Administrator issue payment in the amount of \$7,500.00 to Plaintiff Monica Montalbo for her
9 Enhancement Award, according to the terms and methodology set forth in the Settlement
10 Agreement.

11 9. The Court finds that the allocation of \$100,000.00 toward penalties under the
12 California Private Attorneys General Act of 2004 (“PAGA Payment”), is fair, reasonable, and
13 appropriate, and hereby approved. The Settlement Administrator shall distribute the PAGA
14 Payment as follows: the amount of \$75,000.00 to the California Labor and Workforce
15 Development Agency, and the amount of \$25,000.00 to be included in the Net Settlement Amount
16 for distribution to Aggrieved Employees, according to the terms and methodology set forth in the
17 Settlement Agreement.

18 10. The Court finds that the request for attorneys’ fees in the amount of \$332,500.00 to
19 Class Counsel falls within the range of reasonableness, and the results achieved justify the award
20 sought. The requested attorneys’ fees to Class Counsel are fair, reasonable, and appropriate, and
21 are hereby approved. It is hereby ordered that the Settlement Administrator issue payment in the
22 amount of \$332,500.00 to Class Counsel for attorneys’ fees, in accordance with the terms and
23 methodology set forth in the Settlement Agreement.

24 11. The Court finds that reimbursement of litigation costs and expenses in the amount
25 of \$20,317.28 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the
26 Settlement Administrator issue payment in the amount of \$20,317.28 to Class Counsel 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 hereby enters Judgment by which: (1) Participating Class Members shall
2 be conclusively determined to have given a release of any and all Released Claims against the
3 Released Parties, as set forth in the Settlement Agreement and Class Notice and (2) the Named
4 Plaintiff, as the representative for the State of California and all Aggrieved Employees, shall be
5 conclusively determined to have given a release of any and all PAGA Released Claims against the
6 Released Parties, as set forth in the Settlement Agreement and Class Notice.

7 13. It is hereby ordered that Defendant shall deposit the Gross Settlement Amount of
8 \$950,000.00 into an account established by the Settlement Administrator within five (5) business
9 days after the Effective Date, in accordance with the terms and methodology set forth in the
10 Settlement Agreement.

11 14. It is hereby ordered that the Settlement Administrator shall distribute Individual
12 Settlement Payments to the Participating Class Members within fifteen (15) business days after
13 Defendant funds the Gross Settlement Amount, according to the methodology and terms set forth
14 in the Settlement Agreement.

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

20 16. Notice of entry of this Final Approval Order and Judgment shall be given to the
21 Class Members by posting a copy of the Final Approval Order and Judgment on ILYM's website
22 for a period of at least sixty (60) calendar days after the date of entry of this Final Approval Order
23 and Judgment. Individualized notice is not required.

24 **IT IS SO ORDERED.**

25
26 Dated: _____

By:

The Honorable SONNY S. SANDHU
Judge of the Superior Court