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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SOLANO

JESSICA ALVAREZ, individually, and on
behalf of all others similarly situated,

Plaintiff,

vs.

MARE ISLAND DRY DOCK, LLC, a limited
liability company; and DOES 1 through 10,
inclusive,

Defendants.

FILED/ENDORSED
Clerk of the Superior Court

AUG 16 2022

By J. KALAMARAS
DEPUTY CLERK

Case No.: FCS055692

CLASS AND REPRESENTATIVE ACTION

Assigned for All Purposes to the Honorable
Alesia Jones, Department 22

**[PROPOSED] ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION AND
PAGA ACTION SETTLEMENT**

Date: August 9, 2022
Time: 9:30 a.m.
Dept. 22

Action Filed: November 18, 2020
Trial Date: Not Set

BY FAX

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

2 Plaintiff Jessica Alvarez and Plaintiff Brainard Thomas ("Plaintiffs") and Defendant MARE
3 Island Dry Dock, LLC ("Defendant") have reached terms of settlement for a putative class action.

4 Plaintiffs have filed a motion for final approval of a class action settlement of the claims asserted
5 against Defendant in this action, memorialized in JOINT STIPULATION OF CLASS ACTION
6 SETTLEMENT AND RELEASE (*see* Declaration of Kane Moon In Support of Plaintiff's Motion for
7 Final Approval of Class Action and PAGA Action Settlement ["Moon Decl."], at Exh. 1). The JOINT
8 STIPULATION OF CLASS ACTION SETTLEMENT AND RELEASE is referred to herein as the
9 "Agreement" or "Settlement."

10 After reviewing the Agreement, the Notice process, and other related documents, and having heard
11 the argument of Counsel for respective parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

12 1. The Court finds that the terms of the proposed class action Settlement are fair, reasonable,
13 and adequate, pursuant to California Code of Civil Procedure § 382. In granting preliminary approval of
14 the class action settlement the Court has considered the factors identified in *Dunk v. Ford Motor Co.*, 48
15 Cal. App. 4th 1794 (1996), as approved in *Wershba v. Apple Computer, Inc.*, 91 Cal. App. 4th 224 (2001)
16 and *In re Microsoft IV Cases*, 135 Cal. App. 4th 706 (2006).

17 2. The Court finds that the Settlement has been reached as a result of intensive, serious and
18 non-collusive arms-length negotiations. The Court further finds that the parties have conducted thorough
19 investigation and research, and the attorneys for the parties are able to reasonably evaluate their respective
20 positions. The Court also finds that settlement at this time will avoid additional substantial costs, as well
21 as avoid the delay and risks that would be presented by the further prosecution of the action. The Court
22 finds that the risks of further prosecution are substantial.

23 3. The parties' Settlement is granted final approval as it meets the criteria for final settlement
24 approval. The settlement falls within the range of possible approval as fair, adequate and reasonable, and
25 appears to be the product of arm's-length and informed negotiations and to treat all Class Members fairly.
26 No Class Member has objected to the Settlement. The Class meets the requirements for conditional
27 certification for settlement purposes only under Code of Civil Procedure § 382.

28 4. The Notice of Proposed Class Action Settlement ("Notice") provided to the Class

1 conforms with the requirements of Code of Civil Procedure § 382, Civil Code § 1781, Rules of Court
2 3.766 and 3.769, the California and United States Constitutions, and any other applicable law, and
3 constitutes the best notice practicable under the circumstances, by providing individual notice to all Class
4 Members who could be identified through reasonable effort, and by providing due and adequate notice
5 of the proceedings and of the matters set forth therein to the other Class Members. The Class Notice fully
6 satisfied the requirements of due process.

7 5. The following persons are certified as Class Members solely for the purpose of entering
8 a settlement in this matter:

9 All persons who worked for Defendant in California as an hourly-paid, non-exempt
10 employee, including those persons payrolled through an outside staffing agency, at any
time during the Class Period..

11 (Settlement, ¶ 5.)

12 6. Plaintiff Jessica Alvarez and Plaintiff Brainard Thomas are appointed the Class
13 Representative. The Court finds Plaintiff's counsel are adequate, as they are experienced in wage and
14 hour class action litigation and have no conflicts of interest with absent Settlement Class Members, and
15 that they adequately represented the interests of absent class members in the Litigation. Kane Moon and
16 Lilit Ter-Astvatsatryan of Moon & Yang, APC, are appointed Class Counsel.

17 7. The Court appoints ILYM Group, Inc. to act as the "Settlement Administrator," pursuant
18 to the terms set forth in the Agreement.

19 8. No Class Member requested exclusion from the Class. All Class Members are bound by
20 the Final Approval Order and associated Judgment in the Action. All Class Members are Settlement
21 Class Members.

22 9. Upon entry of this Final Approval Order and the associated Judgment, funding of the
23 Settlement and compensation to the Class Members shall be implemented pursuant to the terms of the
24 Settlement.

25 10. In addition to any recovery that the Plaintiff may receive under the Settlement as a Class
26 Member, and in recognition of the Plaintiffs' efforts on behalf of the Class, the Court hereby approves the
27 payment of an enhancement award to Plaintiff Jessica Alvarez in the amount of **\$7,500.00**, and Plaintiff
28 Brainard Thomas in the amount of **\$2,500.00**.

11. The Court approves the payment of attorneys' fees to Class Counsel Moon & Yang, APC, in the amount of **\$195,000**.

12. Litigation expenses are approved by the Court in the following amount: **\$15,858.20** is awarded to Moon & Yang, APC.

13. The Court approves and orders payment in the amount of **\$11,991.50** to ILYM Group, Inc. for performance of its services as the Settlement Administrator, as set forth in the Class Notice.

14. Upon completion of administration of the Settlement, the Parties shall file a declaration stating that all amounts payable under the Settlement have been paid and that the terms of the Settlement have been completed. In the event that any un-cashed or abandoned checks must be distributed to the State Controller's Unclaimed Property fund in the name of the Settlement Class Member following the check negotiation period, the Settlement Administrator will cancel the tax documents associated with those un-cashed or abandoned checks, and the Parties will submit to the Court a revised Judgment that states the final disposition of all amounts under this Settlement, including the aggregate amount of all uncashed checks and any accrued interest, in compliance with California Code of Civil Procedure § 384.

15. The Court sets a non-appearance case review hearing regarding compliance with all fund distribution requirements under the Settlement Jan 30, 2023 at 9:30 a.m., in Department 22 of the above-entitled Court. A declaration from the Settlement Administrator regarding compliance shall be filed with the Court no later than five days before the non-appearance case review. No appearance by the parties is required at the Order to Show Cause hearing if the Settlement Administrator's declaration is timely filed and the Settlement Administrator reports that all of the distributions under the Settlement are complete and, if needed, an Amended Judgment is submitted to address distribution of any unclaimed funds in compliance with California Code of Civil Procedure § 384.

16. The Court approves and orders payment in the amount of **\$37,500.00** to the Labor and Workforce Development Agency in compromise of claims under the Labor Code Private Attorneys General Act of 2004 (Labor Code § 2698 *et seq.*).

17. Once Defendant fully funds the Settlement by paying the Gross Settlement Amount and the employer share of payroll taxes, Plaintiffs and the Class Members shall have, by operation of this Final Approval Order and Judgment, fully, finally, and forever released, relinquished, and discharged

1 Defendant from the released claims described in the Settlement.

2 18. In accordance with California Rule of Court 3.771(b), the parties are ordered to give notice
3 of this final Order and the Judgment to all Class Members by posting the Order and the Judgment for 90
4 calendar days on the Settlement Administrator's website.

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6 **IT IS SO ORDERED.**

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8 Dated: **AUG 11 2022**

ALESIA JONES

Hon. Alesia Jones
SOLANO COUNTY SUPERIOR COURT JUDGE

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 1055 W. 7th Street, Suite 1880, Los Angeles, CA 90017.

On the date indicated below, I served the document described as: **[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION AND PAGA ACTION SETTLEMENT** on the interested parties in this action by sending [] the original [or] [✓] a true copy thereof [✓] to interested parties as follows [or] [] as stated on the attached service list:

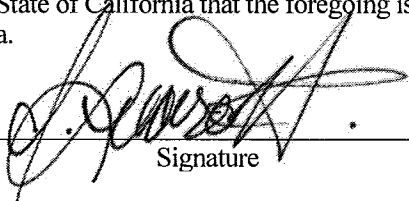
FELICIA R. REID
ANNA T. PHAM
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Attorneys for Defendant MARE ISLAND DRY DOCK, LLC

[✓] **BY Via Court Approved Efiling & Eservice Vendor: FILE & SERVE EXPRESS:** by transmitting via electric service the document(s) listed above to the parties and or email address(es) set forth below.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this July 11, 2022, at Los Angeles, California.

Ivette Hernandez
Type or Print Name


Signature