

Larry W. Lee (State Bar No. 228175)
Mai Tulyathan (State Bar No. 316704)
DIVERSITY LAW GROUP, P.C.
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 facsimile

William L. Marder (State Bar No. 170131)
Polaris Law Group
501 San Benito Street, Suite 200
Hollister, CA 95023
(831) 531-4214
(831) 634-0333 facsimile

Attorneys for Plaintiff, the Class, and Aggrieved Employees

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

04/13/2023 at 12:29:00 PM
Clerk of the Superior Court
By Taylor Crandall, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

JOSE CABALO, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

JONES LANG LASALLE AMERICAS,
INC., a Maryland corporation; and DOES
1 through 50, inclusive,

Defendants.

Case No.: 37-2020-00044322-CU-OE-CTL

(Assigned to the Hon. Ronald F. Frazier, Dept. C-
65)

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

Date: April 3, 2023

Time: 8:30 a.m.

Dept.: C-65

Complaint Filed: December 3, 2020

1 Plaintiff Jose Cabalo (“Plaintiff”) and Defendant Jones Lang LaSalle Americas, Inc.
2 (“Defendant”) (collectively, the “Settling Parties”) have entered into the Joint Stipulation of
3 Class Action and PAGA Settlement and Release (“Stipulation” or “Settlement Agreement”) to
4 settle the above-captioned class and PAGA action subject to the Court’s approval (the
5 “Settlement”).

6 This matter is now before the Court on Plaintiff’s Motion for Final Approval of Class
7 Action Settlement. The Court has read, heard, and considered all the pleadings and documents
8 submitted, and the presentations made in connection with the Motion which came on for hearing
9 on April 3, 2023.

10 **I. BACKGROUND**

11 On December 3, 2020, Plaintiff filed a wage and hour class and Private Attorneys
12 General Act (“PAGA”) representative action complaint on behalf of himself and all similarly
13 situated employees against Defendant in the Superior Court of the State of California for the
14 County of San Diego. The Complaint asserts causes of action for (1) violation of California
15 Labor Code §§ 510, 558, and 1194; (2) violation of California Labor Code §§ 201-203; (3)
16 violation of California Labor Code § 226(a); (4) violation of California Business & Professions
17 Code § 17200, *et seq.*; and (5) violation of Labor Code § 2698, *et seq.* Plaintiff seeks damages,
18 penalties, attorneys’ fees, and costs.

19 **A. Class Members**

20 The “Class” is defined as “all hourly-paid, non-exempt persons employed by Defendant
21 in the State of California at any time during the Class Period who received differential shift pay
22 and, in that same workweek, either worked overtime (including double time) and/or used
23 personal (sick) time.” “Class Period” is defined as the period of December 4, 2020, through
24 January 27, 2022.

25 **B. Operation of the Settlement**

26 Pursuant to the Preliminary Approval Order dated October 4, 2022, this Court
27 conditionally certified the Class and granted preliminary approval to the Settlement. The
28 Preliminary Approval Order also approved of the proposed forms of notice and notice plan. The

1 Court entered the Preliminary Approval Order after review and consideration of all of the
2 pleadings filed in connection herewith and the oral presentations made by counsel at the hearing.

3 In compliance with the Preliminary Approval Order, the Settlement Notice was sent to all
4 Class Members via U.S. first class mail. The notice process was timely completed.

5 This Court finds that the settlement appears to be the product of serious, informed, non-
6 collusive negotiations, has no obvious deficiencies, and does not improperly grant preferential
7 treatment to any individuals. The Court finds that the settlement was entered into in good faith
8 pursuant to California Code of Civil Procedure § 877.6. The Court further finds that the
9 settlement is fair, reasonable, and adequate and that Plaintiff has satisfied the standards for final
10 approval of a class action settlement under California law. Under the provisions of California
11 Code of Civil Procedure § 382 and FRCP 23, as approved for use by the California state court in
12 *Vasquez v. Superior Court*, 4 Cal. 3d 800, 821 (1971), the trial court has discretion to certify a
13 class where:

14 [Q]uestions of law or fact common to the members of the class
15 predominate over any questions affecting only individual
16 members, and that a class action is superior to the available
17 methods for the fair and efficient adjudication of the controversy
... Fed. R. Civ. Proc. 23.

18 Certification of a settlement class is the appropriate judicial device under these circumstances.

19 The Court also finds the PAGA Payment of \$100,000 to be reasonable and approves the
20 PAGA portion of the Settlement pursuant to California Labor Code section 2699(1).

21 Based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS
22 FOLLOWS:

23 1. The Court, for purposes of this Order, adopts all defined terms and conditions as
24 set forth in the Settlement Agreement filed in this case.

25 2. The Court has jurisdiction over the subject matter of this litigation and the Class
26 Representative, the other members of the Class, and Defendant.

27 3. The Court finds that the dissemination of the Notice of Class Action and PAGA
28 Settlement and Release as disseminated to the Class Members, constituted the best notice

practicable under the circumstances to all persons within the definition of the Class, and fully met the requirements of California law and due process under the United States Constitution.

4. The Court approves the settlement of the above-captioned action, as set forth in the Settlement Agreement, as fair, just, reasonable, and adequate as to the Settling Parties. The Settling Parties are directed to perform in accordance with the terms set forth in the Settlement Agreement.

5. Except as otherwise provided in the Settlement Agreement, the Settling Parties are to bear their own costs and attorneys' fees.

6. The Court hereby certifies the following Class for settlement purposes only: all hourly-paid, non-exempt persons employed by Defendant in the State of California at any time during the Class Period who received differential shift pay and, in that same workweek, either worked overtime (including double time) and/or used personal (sick) time.

7. With respect to the Class and for purposes of approving the settlement only and for no other purpose, this Court finds and concludes that: (a) the members of the Class are ascertainable and so numerous that joinder of all members is impracticable; (b) there are questions of law or fact common to the Class, and there is a well-defined community of interest among members of the Class with respect to the subject matter of the claims in this litigation; (c) the claims of Class Representative is typical of the claims of the members of the Class; (d) the Class Representative has fairly and adequately protected the interests of the members of the Class; (e) a class action is superior to other available methods for an efficient adjudication of this controversy; and (f) the counsel of record for the Class Representative, *i.e.*, Class Counsel, are qualified to serve as counsel for the Plaintiff in his individual and representative capacity and for the Class.

8. Defendant shall fund \$950,000.00 of the total Maximum Settlement Amount within 21 days of notice of entry of this order granting final approval, pursuant to the terms of the Settlement Agreement.

9. The Court approves the PAGA Payment of \$100,000 and approves the Individual Class Payment and Individual PAGA Payment amounts, which shall be distributed pursuant to

1 the terms of the Settlement Agreement.

2 10. Defendant shall pay (a) to Class Counsel attorneys' fees in the amount of
3 \$237,500.00 and reimbursement of costs in the amount of \$10,318.75; (b) Class Representative
4 Service Award to the Jose Cabalo in the amount of \$7,500.00; (c) the sum of \$75,000.000 to be
5 paid to the Labor and Workforce Development Agency pursuant to the PAGA; and (d) \$5,450.00
6 to the Settlement Administrator, Phoenix Settlement Administrators, for the costs relating to the
7 settlement administration process in this matter. The Court finds that these amounts are fair and
8 reasonable. Defendant is directed to make such payments from the Maximum Settlement
9 Amount and in accordance with the terms of the Settlement Agreement.

10 11. The Final Accounting Hearing is hereby set for November 17, 2023, at 8:30 a.m.
11 in Department C-65 of the above-referenced Court. Plaintiff's Counsel shall file a report from
12 the Settlement Administrator regarding status of the settlement administration on or before
13 November 8, 2023.

14 12. The Court hereby enters final judgment in this case in accordance with the terms
15 of the Settlement, Preliminary Approval Order, and this Order. Without affecting the finality of
16 the Settlement or Judgment entered, this Court shall retain exclusive and continuing jurisdiction
17 over the action and the Parties, including all Class Members, for purposes of enforcing and
18 interpreting this Order and the Settlement.

19 IT IS SO ORDERED AND ADJUDGED.

20
21 DATED: 4/13/2023



HON. RONALD F. FRAZIER
SUPERIOR COURT OF CALIFORNIA

1 **PROOF OF SERVICE**

2 **(Code of Civil Procedure Sections 1013a, 2015.5)**

3
4 STATE OF CALIFORNIA]
5 COUNTY OF LOS ANGELES]ss.
6]

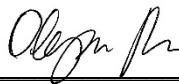
7 I am employed in the County of Los Angeles, State of California. I am over the age of
8 18 and not a party to the within action; my business address is 515 S. Figueroa Street, Suite
9 1250, Los Angeles, California 90071.

10 On April 6, 2023, I served the following document(s) described as: ~~[PROPOSED]~~
11 **ORDER GRANTING FINAL APPROVAL OF CLASS ACTION AND PAGA**
12 **SETTLEMENT AND JUDGMENT** on the interested parties in this action as follows:

13 Spencer C. Skeen
14 Spencer.skeen@ogletree.com
15 Marlene M. Moffitt
16 Marlene.moffitt@ogletree.com
17 Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
18 4660 La Jolla Village Drive, Suite 900
19 San Diego, California 92122
20 *Attorneys for Defendant Jones Lang Lasalle Americas, Inc.*

21 X BY ELECTRONIC SERVICE: Based on a court order I caused the above-
22 entitled document(s) to be served through the One Legal E-Filing System at the website
23 www.onelegal.com, addressed to all parties appearing on the electronic service list for the above-
24 entitled case. The service transmission was reported as complete and a copy of the filing
25 receipt/confirmation will be filed, deposited, or maintained with the original document(s) in this
26 office.

27 I declare under penalty of perjury under the laws of the State of California that the
28 above is true and correct. Executed on April 6, 2023, at Los Angeles, California.

29 
30 _____
31 Olympia Pena