

APR -4 2024

BY Jessica Garcez
JESSICA GARCEZ, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

ARLENE SANTOS, an individual, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

COLORADO RIVER ADVENTURES,
INC., a California corporation; EMERALD
COVE RESORT, L.L.C., AN Arizona
limited liability company; and DOES 1
through 100, inclusive,

Defendants.

Case No.: CIVSB 2029072

Hon. Joseph P. Ortiz, Dept. S17

CLASS ACTION

**~~[PROPOSED]~~ ORDER AND JUDGMENT RE
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: April 4, 2024
Time: 1:30 p.m.
Dept.: S17

Action Filed: December 22, 2020
Trial date: Not set

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

2 Plaintiff ARLENE SANTOS ("Plaintiff") and defendants COLORADO RIVER
3 ADVENTURES, INC. and EMERALD COVE RESORT, L.L.C. (all defendants collectively referred to
4 herein as "Defendant") have reached terms of settlement for a putative class action.

5 Plaintiff has filed a motion for final approval of a class action settlement of the claims asserted
6 against Defendant in this action, memorialized in the FIRST AMENDED CLASS ACTION
7 SETTLEMENT AGREEMENT AND CLASS NOTICE filed with the Court. The FIRST AMENDED
8 CLASS ACTION SETTLEMENT AGREEMENT AND CLASS NOTICE is referred to herein as the
9 "Agreement" or "Settlement."

10 After reviewing the Agreement, the Notice process, and other related documents, and having
11 heard 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 final approval of the
14 class action settlement the Court has considered the factors identified in *Dunk v. Ford Motor Co.*, 48 Cal.
15 App. 4th 1794 (1996), as approved in *Wershba v. Apple Computer, Inc.*, 91 Cal. App. 4th 224 (2001) and
16 *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 non-
18 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 reasonableness and appears to be presumptively valid.
25 The Settlement Class meets the requirements for certification for settlement purposes only under Code of
26 Civil Procedure § 382.

27 4. The Class Notice provided to the Settlement Class conforms with the requirements of Code
28 of Civil Procedure § 382, Civil Code § 1781, Rules of Court 3.766 and 3.769, and any other applicable

1 law, and constitutes the best notice practicable under the circumstances, by providing individual notice to
2 all Class Members who could be identified through reasonable effort, and by providing due and adequate
3 notice of the proceedings and of the matters set forth therein to the other Settlement Class Members. The
4 Class Notice fully satisfied the requirements of due process.

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

7 "Class" means all persons employed by Colorado River Adventures, Inc. and Emerald
8 Cove Resort, L.L.C. in California classified as non-exempt hourly employees who
9 worked during the Class Period.

10 6. Plaintiff ARLENE SANTOS is appointed the Class Representative. The Court finds
11 Plaintiff's counsel are adequate, as they are experienced in wage and hour class action litigation and have
12 no conflicts of interest with absent Class Members, and that they adequately represented the interests of
13 absent class members in the litigation. Remedy Law Group LLP is appointed Class Counsel.

14 7. The Court appoints Phoenix Settlement Administrators to act as the Settlement Administrator,
15 who shall perform the duties set forth in the Agreement.

16 8. No Class Members have objected to the terms of the Settlement.

17 9. Two Class Members have requested to be excluded from the Settlement.

18 10. Upon entry of this Order and Judgment, compensation shall be implemented pursuant to the
19 terms of the Settlement.

20 11. In addition to any recovery that Plaintiff may receive under the Settlement as a Class Member,
21 and in recognition of Plaintiff's efforts on behalf of the class, the Court hereby approves and orders the
22 payment of an enhancement award to Plaintiff ARLENE SANTOS in the reasonable amount of \$10,000.

23 12. The Court approves and orders payment of attorneys' fees to class counsel Remedy Law
24 Group LLP in the total amount of \$166,666.66. The Court also approves and orders reimbursement of
25 litigation expenses to Remedy Law Group LLP in the amount of \$6,815.16.

26 13. The Court approves and orders payment in the amount of \$9,000 to Phoenix Settlement
27 Administrators for performance of its services as the Settlement Administrator.
28

1 14. The Court approves and orders payment in the amount of \$26,250.00 to the Labor and
2 Workforce Development Agency in compromise of claims under the Labor Code Private Attorneys
3 General Act of 2004 (Labor Code § 2698 *et seq.*).

4 15. The Court retains jurisdiction to consider all further applications arising out of or in
5 connection with the Settlement.

6 16. The Clerk is directed to enter this Order and Judgement as it final judgment.

7
8 **IT IS SO ORDERED.**

9
10 Dated: April 5, 2024



Hon. Joseph T. Ortiz
San Bernardino County Superior Court Judge

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN BERNARDINO

CASE NAME: ARLENE SANTOS v. COLORADO RIVER ADVENTURES, INC., et al.

CASE NUMBER: CIVSB 2029072

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 509 Cambridge Dr, Burbank, California 91504.

On April 4, 2024, I served the foregoing document described as:

[PROPOSED] ORDER AND JUDGMENT RE PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT

in this action by delivering a true copy addressed as follows:

Bill Munoz
Freeman Mathis & Gary, LLP
1013 Galleria Boulevard | Suite 250
Roseville, CA 95678-1365
Email: bill.munoz@fmglaw.com
rochelle@bandalawsd.com
dane.willis@fmglaw.com

Attorneys for Defendant
COLORADO RIVER ADVENTURES, INC.
and EMERALD RESORT COVE, LLC

[X] BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused the document(s) described above to be sent to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[] BY UNITED STATES MAIL: I enclosed the documents in a sealed envelope or package addressed to the persons listed. I placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United State Postal Service, in a sealed envelope with postage fully prepaid

[X] STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 4, 2024 at Burbank, California.

Andranik Tsarukyan