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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

MICHELLE FARTHING, JEREMIAH
BURKE, JARVIS RICHMOND, and
ANDREA HUGHES, individuals, on behalf of
themselves and on behalf of all persons
similarly situated,

Plaintiff,

vs.

MILESTONE TECHNOLOGIES, INC., a
California Corporation ; and DOES 1 through
50, inclusive,

Defendants.

Case No. **CGC-21-591251**

**[PROPOSED] ORDER GRANTING
MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Hearing Date: February 28, 2023
Hearing Time: 9:30 a.m.

Judge: Hon. Richard B. Ulmer
Dept.: 302

Action Filed: May 4, 2021
Trial Date: Not set

1 On February 28, 2023, a hearing was held on the motion of Plaintiffs Jeremiah Burke,
2 Andrea Hughes, and Jarvis Richmond (“Plaintiffs”) for final approval of the Class and
3 Representative Action Settlement Agreement (the “Agreement”) with Defendant Milestone
4 Technologies, Inc. (“Defendant”) and payments to the Plaintiffs, Class Counsel, Aggrieved
5 Employees, the Labor and Workforce Development Agency (“LWDA”) and the Settlement
6 Administrator.

7 The parties have submitted their Agreement, which this Court preliminarily approved by
8 its October 12, 2022, order (“Preliminary Approval Order”). In accordance with the Preliminary
9 Approval Order, Class Members have been given notice of the terms of the Agreement and the
10 opportunity to comment on or object to it or to exclude themselves from its provisions.

11 Having received and considered the Settlement, the supporting papers filed by the parties,
12 and the evidence and argument received by the Court at the hearing before it entered the
13 Preliminary Approval Order and the final approval hearing on February 28, 2023, 2021, the
14 Court grants final approval of the Settlement, and HEREBY ORDERS as follows:

15 1. The certification of the Class is confirmed for the sole and exclusive purpose of
16 entering a settlement in this matter:

17 All individuals who were employed by Defendant in California, who were
18 classified as hourly, non-exempt employees, and who worked as
19 Screening Associates, Team Lead Screening Associates, or Shift Lead
20 Screening Associates at any time during the Class Period. The Class
21 Period is May 4, 2017 through June 25, 2022.

22 2. The Settlement Administrator received no valid requests for exclusion from the
23 Class.

24 3. The Court confirms the appointment of Plaintiffs as the Class Representatives,
25 and Norman B. Blumenthal, Kyle R. Nordrehaug, and Aparajit Bhowmik of Blumenthal
26 Nordrehaug Bhowmik De Blouw LLP as Class Counsel for the Class.

27 4. Pursuant to the Preliminary Approval Order, a Notice of Proposed Settlement of
28 Class Action and Hearing Date for Final Court Approval (“Class Notice”) was sent to each Class
Member by first-class mail. These papers informed Class Members of the terms of the
Settlement, their right to receive a Settlement Share, their right to comment on or object to the

1 Settlement or to opt-out of the Settlement and pursue their own remedies, and their right to
2 appear in person or remotely or by counsel at the Final Approval Hearing and be heard regarding
3 final approval of the Settlement. Adequate periods of time were provided by each of these
4 procedures to provide notice of their rights and time for Class Members to act with respect to
5 these rights. No Class Member objected to the Settlement as part of this notice process or stated
6 an intent to appear at the final approval hearing.

7 5. The Court finds and determines that this notice procedure afforded adequate
8 protections to Class Members and provides the basis for the Court to make an informed decision
9 regarding approval of the Settlement based on the responses of Class Members. The Court finds
10 and determines that the Class Notice provided in this case was the best notice practicable, which
11 satisfied the requirements of law and due process.

12 6. For the reasons stated in the Preliminary Approval Order, the Court finds and
13 determines that the proposed class, as defined in the definitions section of the Agreement and
14 Paragraph 1 herein, meets all the legal requirements for class certification, and it is hereby
15 ordered that the Class is finally approved and certified as a class for purposes of the Settlement.

16 7. The Court further finds and determines that the Gross Settlement Amount of SIX
17 HUNDRED THIRTY THOUSAND DOLLARS (\$630,000) and the terms of the Settlement are
18 fair, reasonable, and adequate to the Class and to each Class Member. The Class Members who
19 have not opted-out will be bound by the Settlement. Aggrieved Employees (as defined in the
20 Agreement as all individuals who were employed by Defendant in California, who were
21 classified as hourly, non-exempt employees, and who worked as Screening Associates, Team
22 Lead Screening Associates, or Shift Lead Screening Associates as at any time during the PAGA
23 Period or May 4, 2020 through June 25, 2022) will release the Released PAGA Claims as set
24 forth in the Agreement, and will be sent a portion of the PAGA Payment, regardless of whether
25 they opt-out of the Class. The Settlement is ordered finally approved, and all terms and
26 provisions of the Settlement should be and hereby are ordered to be consummated.

27 8. The Court finds and determines that the Settlement Shares to be paid to the
28 Participating Class Members, as provided for by the Agreement, are fair and reasonable. The

1 Court hereby grants final approval to and orders the payment of those amounts to be made to the
2 Participating Class Members out of the Net Settlement Amount in accordance with the
3 Agreement.

4 9. Pursuant to the Labor Code Private Attorneys General Act ("PAGA"), Cal. Lab.
5 Code §§ 2699(l)(2), (l)(4), the LWDA has been given notice of the Settlement. Pursuant to
6 PAGA, on the date the parties filed the motion seeking approval of the Settlement with the
7 Court, Plaintiffs served the LWDA with the motion which included a copy of the Agreement.
8 The Court finds and determines that the notice of the Settlement complied with the statutory
9 requirements of PAGA.

10 10. The Court finds and determines that the resolution of the Released PAGA Claims
11 and the PAGA Payment of TWENTY THOUSAND DOLLARS (\$20,000), which includes
12 payment to the LWDA FIFTEEN THOUSAND DOLLARS (\$15,000) as its share of the
13 settlement of civil penalties and the allocation of FIVE THOUSAND DOLLARS (\$5,000) to the
14 Aggrieved Employees, in this case is fair, reasonable, and appropriate. The Court hereby grants
15 approval of the resolution of the PAGA claims and orders that the PAGA Payment be paid out of
16 the Gross Settlement Amount in accordance with the Agreement.

17 11. The Court finds and determines that the fees and expenses of Simpluris in
18 administering the settlement, in the amount of \$15,000, are fair and reasonable. The Court
19 hereby grants final approval to such amount and orders that the payment of approximately that
20 amount be paid out of the Gross Settlement Amount in accordance with the Agreement.

21 12. In addition to any recovery that Plaintiffs may receive from the Net Settlement
22 Amount and PAGA Payment, and in recognition of the Plaintiffs' efforts on behalf of the Class,
23 and the risks they undertook, the Court hereby approves the payment of the Class Representative
24 Service Payments to Plaintiffs in the amount of TEN THOUSAND DOLLARS (\$10,000) each.
25 The Class Representative Service Payments shall be paid from the Gross Settlement Amount.

26 13. Pursuant to the authorities and argument presented to the Court, the Court
27 approves the payment of attorneys' fees to Class Counsel in the sum of \$210,000, plus costs and
28

1 expenses in the amount of \$17,286.75. Said amounts shall be paid from the Gross Settlement
2 Amount.

3 14. The parties are hereby ordered to comply with the terms of the Settlement.

4 15. Without affecting the finality of this order in any way, pursuant to California
5 Code of Civil Procedure section 664.6 the Court retains jurisdiction of all matters relating to the
6 interpretation, administration, implementation, effectuation, and enforcement of this order and
7 the Settlement.

8 **IT IS SO ORDERED.**

9
10 Dated: _____

The Honorable Richard B. Ulmer
Judge of the Superior Court