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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

SHAUN GONZALES, individually, and on
behalf of other members of the general public
similarly situated and on behalf of other
aggrieved employees pursuant to the California
Private Attorneys General Act;

Plaintiff,

vs.

CHAMPION FIRE SYSTEMS, INC., a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No.: CIVSB2028336

Honorable David S. Cohn
Department S26

CLASS ACTION

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

Date: September 29, 2022
Time: 10:00 a.m.
Department: S26

Complaint Filed: December 28, 2020
FAC Filed: May 3, 2021
Trial Date: None Set

1 This matter has come before the Honorable David S. Cohn in Department S26 of the above-
2 entitled Court, located at San Bernardino Justice Center, 247 West Third Street, San Bernardino,
3 California 92415, on Plaintiff Shaun Gonzales' ("Plaintiff") Motion for Final Approval of Class
4 Action Settlement, Attorneys' Fees and Litigation Costs, and Enhancement Payment ("Motion for
5 Final Approval"). Lawyers *for* Justice, PC appeared on behalf of Plaintiff, and Medina McKelvey
6 LLP appeared on behalf of Champion Fire Systems, Inc. ("Defendant") (collectively, the
7 "Parties").

8 On June 2, 2022, 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 ("Litigation") in accordance with the Joint Stipulation of Class Action
11 and PAGA Settlement ("Agreement," or "Settlement Agreement"), which, together with the
12 exhibits annexed thereto, set forth the terms and conditions for settlement of the Litigation.

13 Having reviewed the Settlement Agreement and duly considered the Parties' papers and
14 oral argument, and good cause appearing,

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

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

18 2. This Court has jurisdiction over the claims of the Class Members asserted in this
19 proceeding and over all parties to the Litigation.

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

25 All current and former hourly-paid or non-exempt employees who worked for
26 Defendant within the State of California at any time during the period from
27 December 28, 2016 to June 2, 2022 ("Class" or "Class Members").
28

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, object to or comment thereon, or to seek
4 exclusion from, the Settlement; was the best notice practicable under the circumstances; was valid,
5 due, and sufficient notice to all Class Members; and complied fully with the laws of the State of
6 California, the United States Constitution, due process and other applicable law. The Class Notice
7 fairly and adequately described the Settlement and provided the Class Members with adequate
8 instructions and a variety 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 Class 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 Class Settlement. Accordingly, the Court determines that all Class Members who did not timely
26 and validly opt out of the Settlement (“Settlement Class Member”) are bound by the Class
27 Settlement, and the State of California and all current and former hourly-paid or non-exempt
28 employees who worked for Defendant within the State of California at any time during the PAGA

1 Period (“PAGA Group Members”) are bound by the PAGA Settlement, and they are bound by this
2 order and judgment (“Final Approval Order”).

3 7. The Court finds that the settlement of the Released PAGA Claims for the total
4 amount of Seventy Thousand Dollars (\$70,000.00), which will be allocated toward penalties under
5 the Private Attorneys’ General Act, California Labor Code § 2698 *et. seq.*, (“PAGA Penalties”),
6 is fair, reasonable, and appropriate, and hereby approved. The Settlement Administrator shall
7 distribute the PAGA Penalties as follows: the amount of \$52,500.00 to the California Labor and
8 Workforce Development Agency (“LWDA Payment”), and the amount of \$17,500.00 to PAGA
9 Group Members (“Employee PAGA Amount”), in accordance with the terms and methodology
10 set forth in the Settlement Agreement.

11 8. The Court finds that payment of Administration Costs in the amount of \$3,000.00
12 is appropriate for the services performed and costs incurred and to be incurred for the notice and
13 settlement administration process. It is hereby ordered that the Settlement Administrator,
14 Simpluris, Inc., shall issue payment to itself in the amount of \$3,000.00, in accordance with the
15 terms and methodology set forth in Settlement Agreement.

16 9. The Court finds that the Enhancement Payment sought is fair and reasonable for
17 the work performed by Plaintiff on behalf of the Class, State of California, and PAGA Group
18 Members. It is hereby ordered that the Settlement Administrator issue payment in the amount of
19 \$12,500.00 to Plaintiff Shaun Gonzales for his Enhancement Payment, according to the terms and
20 methodology set forth in the Settlement Agreement.

21 10. The Court finds that the request for attorneys’ fees in the amount of \$108,322.50 to
22 Class Counsel falls within the range of reasonableness, and the results achieved justify the award
23 sought. The requested attorneys’ fees to Class Counsel are fair, reasonable, and appropriate, and
24 are hereby approved. It is hereby ordered that the Settlement Administrator issue payment in the
25 amount of \$108,322.50 to Class Counsel for attorneys’ fees, in accordance with the terms and
26 methodology set forth in the Settlement Agreement.

27 11. The Court finds that reimbursement of litigation costs and expenses in the amount
28 of \$5,626.55 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the

1 Settlement Administrator issue payment in the amount of \$5,626.55 to Class Counsel for
2 reimbursement of litigation costs and expenses, in accordance with the terms and methodology set
3 forth in the Settlement Agreement.

4 12. The Court hereby enters Judgment by which Settlement Class Members shall be
5 conclusively determined to have given a release of any and all Released Class Claims against the
6 Released Parties, and all PAGA Group Members and the State of California shall be conclusively
7 determined to have given a release of any and all Released PAGA Claims against the Released
8 Parties, as set forth in the Settlement Agreement and Class Notice.

9 13. It is hereby ordered that Defendant will deposit the Maximum Settlement Amount
10 into an interest-bearing account established by the Settlement Administrator within twenty-one
11 (21) calendar days following the Effective Date, in accordance with the terms and methodology
12 set forth in the Settlement Agreement.

13 14. It is hereby ordered that the Settlement Administrator shall distribute Individual
14 Settlement Payments to the Settlement Class Members and Individual PAGA Payments to PAGA
15 Group Members within ten (10) calendar days following the full funding of the Settlement,
16 according to the methodology and terms set forth in the Settlement Agreement.

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

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1 16. Notice of entry of this Final Approval Order and Judgment shall be given to the
2 Settlement Class Members and PAGA Group Members by posting a copy of the Final Approval
3 Order and Judgment on the Settlement Administrator's website for a period of at least sixty (60)
4 calendar days after the date of entry of this Final Approval Order and Judgment. Individualized
5 notice is not required.

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7 Dated: _____

HONORABLE DAVID S. COHN
JUDGE OF THE SUPERIOR COURT