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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF STANISLAUS**

LETICIA RODRIGUEZ, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

MODESTO RESTAURANT GROUP, LLC, a
California limited liability corporation; and
DOES 1 through 10, inclusive,

Defendants.

Case No.: CV-21-000269

CLASS ACTION

[Assigned for all purposes to: Hon. Sonny S.
Sandhu, Dept. 24]

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

FINAL APPROVAL HEARING

Date: December 6, 2022

Time: 8:30 a.m.

Dept. 24

1 This matter coming before the Court on Plaintiff Leticia Rodriguez’s (“Plaintiff”) Motion for Final Approval of Class Action Settlement (the “Final Approval Motion”), and
2 after review and consideration of the parties’ fully-executed Stipulation of Settlement
3 (collectively, the “Settlement” or “Settlement Agreement”) and the papers in support of the
4 Final Approval Motion, due and adequate notice having been given to the Class, and the Court
5 having reviewed and considered the Settlement, all papers filed, the record, proceedings in the
6 above-entitled action (“Litigation” or “Action”), and all oral and written comments received
7 regarding the Settlement, and good cause appearing therefor,

8
9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

10 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the
11 Settlement filed in this case.

12 2. The Court has jurisdiction over all claims asserted in the Action, Plaintiff, the
13 Settlement Class Members, and Defendant Modesto Restaurant Group, LLC (“Defendant”).

14 3. The Court finds that the Settlement appears to have been made and entered into in
15 good faith and hereby approves the settlement subject to the limitations on the requested fees and
16 enhancements as set forth below.

17 4. Plaintiff and all Participating Class Members shall have, by operation of this Final
18 Order and Judgment, fully, finally, and forever released, relinquished, and discharged Defendant
19 and the Released Parties from all released claims as set forth in the Settlement.

20 5. Plaintiff, the State of California, and all Participating PAGA Members shall have,
21 by operation of this Final Order and Judgment, fully, finally, and forever released, relinquished,
22 and discharged Defendant and the Released Parties from all released PAGA claims as set forth in
23 the Settlement.

24 6. The Parties shall bear their own respective attorneys’ fees and costs, except as
25 otherwise provided for in the Settlement and approved by the Court.

26 7. Solely for purposes of effectuating the settlement, the Court finally certified the
27 following Class: “All persons who worked for Defendant in California as an hourly-paid or non-
28 exempt employee during the Settlement Period.”

8. The Settlement Period is January 21, 2017 through April 1, 2022.

9. No Settlement Class Members have objected to the terms of the Settlement.

10. Four Settlement Class Members have requested exclusion from the Settlement:
David Aguilar, Maritza Cortez, Dennise Gonzalez, and Celia Rincon.

11. The Notice provided to the Class conforms with the requirements of California Rules of Court 3.766 and 3.769, and constitutes the best notice practicable under the circumstances, by providing individual notice to all Class Members who could be identified through reasonable effort, and by providing due and adequate notice of the proceedings and of the matters set forth therein to the Class Members. The Notice fully satisfies the requirements of due process.

12. The Court finds the Settlement Amount, the Net Settlement Amount, and the methodology used to calculate and pay the Net Settlement Payments to each Participating Class Member are fair and reasonable and authorizes the Settlement Administrator to pay the Net Settlement Payments to the Participating Class Members in accordance with the terms of the Stipulation.

13. The Court approves the Settlement and finds that it is fair, reasonable, and adequate, and worthy of final approval.

14. The Court also finds the PAGA Settlement is fair and reasonable, and that Plaintiff provided notice of the proposed Settlement to the Labor and Workforce Development Agency (LWDA) and will fully and adequately comply with the notice requirements of California Labor Code section 2699(1). The Court hereby approves the PAGA Settlement.

15. Defendant shall pay the total of \$661,431.36 to resolve this litigation. Defendant shall deposit this amount and employer taxes into an account established by the Settlement Administrator. Thereafter, compensation to the Participating Class Members shall be disbursed pursuant to the terms of the Settlement.

(a) From the Settlement Amount, \$18,750.00 shall be paid to the California Labor and Workforce Development Agency, representing 75% of the penalties awarded under the terms of the Settlement Agreement pursuant to

the Labor Code Private Attorneys General Act of 2004, California Labor Code section 2698, *et seq.* The remaining \$6,250.00, representing 25% of the total amount allocated for PAGA penalties, shall be paid to the PAGA Employees.

(b) From the Settlement Amount, \$8,000.00 shall be paid to the named Plaintiff, Leticia Rodriguez for her service as class representative and for his agreement to release claims.

(c) From the Settlement Amount, \$11,750 shall be paid to the Settlement Administrator, Phoenix Settlement Administrators.

16. The Court hereby confirms Justin F. Marquez and Benjamin H. Haber of Wilshire Law Firm, PLC as Class Counsel.

17. From the Settlement Amount, Class Counsel is awarded \$220,477.12 for their reasonable attorneys' fees and \$18,578.69 for their reasonable costs incurred in the Action. The fees and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court finds that the fees are reasonable in light of the benefit provided to the Class.

18. The Net Settlement Amount of \$377,625.55 shall be made available to pay Settlement Class Members. This amount was determined by subtracting Class Counsel's attorneys' fees (\$220,477.12), Class Counsel's costs (\$18,578.69), Enhancement Payment (\$8,000.00), PAGA Payment (\$25,000.00), and Settlement Administration Costs (\$11,750.00) from the Total Settlement Amount (\$661,431.36).

19. Notice of entry of this Final Approval Order and Judgment shall be given to Class Members by posting a copy of the Final Approval Order and Judgment on Phoenix Settlement Administrator's website for a period of at least sixty (60) calendar days after the date of entry of this Final Approval Order and Judgment.

20. Without affecting the finality of this Final Judgment in any way, this Court retains continuing jurisdiction over the implementation, interpretation, and enforcement of the Settlement with respect to all Parties to this action, and their counsel of record.

1 21. Plaintiff's Motion for Final Approval of Class Action Settlement is hereby granted
2 and the Court directs that judgment shall be entered in accordance with the terms of this Order.

3 **IT IS SO ORDERED.**

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6 DATE:

7 Hon. Sonny S. Sandhu
8 Judge of the Stanislaus County Superior
9 Court
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Rodriguez v. Modesto Restaurant Group, LLC, et al.
CV-21-000269

I, Ashley Narinyans, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is anarinyans@wilshirelawfirm.com.

On **November 7, 2022**, I served the foregoing **[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND JUDGMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

CALL & JENSEN
A Professional Corporation
610 Newport Center Drive, Suite 700
Newport Beach, CA 92660
Telephone: (949) 717-3000
Fax: (949) 717- 3100

Attorneys for Defendant, Modesto Restaurant Group, LLC

- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.
- (X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on **November 7, 2022**, at Los Angeles, California.

Ashley Narinyans
Type or Print Name


Signature