

Daniel J. Brown (State Bar #307604)
dbrown@stansburybrownlaw.com
STANSBURY BROWN LAW, PC
2610 1/2 Abbot Kinney Blvd.
Venice, California 90291
Tel. (323) 207-5925

Attorneys for Plaintiff

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF TULARE
06/14/2022
STEPHANIE CAMERON, CLERK
Leticia Hernandez-Sandoval, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF TULARE

FRANCISCO RUIZ VELA, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

KINGS CANYON WOOD PRODUCTS,
LLC, a California limited liability company;
and DOES 1 through 100,

Defendants.

Case No. VCU285554

*[Assigned for all purposes to the Hon.
Bret Hillman]*

**~~[PROPOSED]~~ FINAL ORDER OF
APPROVAL OF CLASS ACTION
SETTLEMENT AND FINAL
JUDGEMENT**

Date: June 14, 2022
Time: 8:30 a.m.
Dept.: 07

Complaint Filed: January 13, 2021
Trial Date: None Set

1 This matter came on regularly for hearing before this Court on June 14, 2022, at 8:30 a.m.
2 pursuant to California Rule of Court 3.769 and this Court's February 8, 2022 Revised Order
3 Granting Motion for Preliminary Approval of Class Action Settlement ("Preliminary Approval
4 Order"). Having considered the Parties' Stipulation of Settlement (the "Settlement" or
5 "Settlement Agreement") attached as Exhibit B to the Supplemental Declaration of Daniel J.
6 Brown In Support of Motion for Preliminary Approval of Class Action Settlement filed with this
7 Court on January 14, 2022, and the submissions of counsel, and recognizing the sharply disputed
8 factual and legal issues involved in this case, the risks of further prosecution and the benefits to
9 be received by the Class pursuant to the Settlement, the Court hereby makes a final ruling that the
10 proposed Settlement is fair, reasonable, and adequate, and is the product of good faith, arm's-
11 length negotiations between the Parties.

12 Unless otherwise indicated, all terms used in this Order shall have the same meaning as
13 that assigned to them in the Settlement.

14 Good cause appearing thereof, the Court hereby GRANTS Plaintiff's Motion for Final
15 Approval of Class Action Settlement, Class Representative's Enhancement Payment, and
16 Attorney's Fees and Costs and ORDERS as follows:

17 1. The conditional class certification contained in the Preliminary Approval Order is
18 hereby made final, and the Court thus certifies, for purposes of the Settlement only, a Settlement
19 Class consisting of:

20 All of all individuals who worked for Defendant Kings Canyon Wood Products, LLC
21 ("Defendant") in California as non-exempt employees from January 13, 2017 through
22 July 14, 2021 ("Class Period").

23 2. Plaintiff Francisco Ruiz Vela is hereby confirmed as Class Representative, and
24 Daniel J. Brown of Stansbury Brown Law, PC is hereby confirmed as Class Counsel.

25 3. Notice was provided to the Settlement Class as set forth in the Settlement, which
26 was preliminarily approved by the Court on February 8, 2022, and the notice process has been
27 completed in conformity with the Court's Order. The Court finds that said notice was the best
28 notice practicable under the circumstances. The Class Notice provided due and adequate notice

1 of the proceedings and matters set forth herein, informed Class Members of their rights, and fully
2 satisfied the requirements of California Code of Civil Procedure § 1781(e), California Rule of
3 Court 3,769, and due process.

4 4. The Court finds that no Class Member objected to the Settlement or opted-out of
5 the Settlement, and that the 100% participation rate in the Settlement supports final approval.

6 5. The Court hereby approves the settlement as set forth in the Settlement as fair,
7 reasonable, and adequate, and directs the Parties to effectuate the Settlement according to its
8 terms.

9 6. For purposes of settlement only, the Court finds that (a) the members of the
10 Settlement Class are ascertainable and so numerous that joinder of all members is impracticable;
11 (b) there are questions of law or fact common to the Settlement Class, and there is a well-defined
12 community of interest among members of the Settlement Class with respect to the subject matter
13 of the litigation; (c) the claims of the Class Representative are typical of the claims of the members
14 of the Settlement Class; (d) the Class Representative has fairly and adequately protected the
15 interests of the Class Members; (e) a class action is superior to other available methods for an
16 efficient adjudication of this controversy; and (f) Class Counsel are qualified to serve as counsel
17 for the Class Representative and the Settlement Class.

18 7. The Court finds that given the absence of objections, and objections being a
19 prerequisite to appeal, that this Order and Judgment shall be considered final as of the date of
20 notice of entry.

21 8. The Court orders that the portions of the Maximum Settlement Amount of One
22 Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) not previously deposited with the
23 Settlement Administrator shall be deposited with the Settlement Administrator, Phoenix
24 Settlement Administrators (“Phoenix”), as provided in the Settlement.

25 9. Any Settlement funds that remain uncashed after 180 days after they are mailed
26 shall be delivered to the California State Controller’s Office Unclaimed Property Fund, with the
27 identity of the Participating Class Member to whom the funds belong, to be held for the
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Participating Class Member per California Unclaimed Property Law, in the interest of justice.

10. The Court finds that the Settlement Awards, as provided for in the Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to distribute the Individual Settlement Awards in conformity with the terms of the Settlement. The Court further orders that if any of the Settlement Class Members are Defendant's current employees and the Settlement Award mailed to those current employees is returned to the Settlement Administrator as being undeliverable, and the Settlement Administrator is unable to locate a valid mailing address, the Settlement Administrator shall arrange with Defendant to have those Settlement Awards delivered to the employees at their place of employment.

11. The Court finds that an Enhancement Payment in the amount of \$5,000.00 for Plaintiff Francisco Ruiz Vela is appropriate for his risks undertaken and service to the Settlement Class. The Court finds that this payment is fair, reasonable, and adequate, and orders that the Settlement Administrator make this payment in conformity with the terms of the Settlement.

12. The Court finds that attorneys' fees in the amount of \$49,950.00, and actual litigation costs of \$7,595.44 for Class Counsel, are fair, reasonable, and adequate, and orders that the Settlement Administrator distribute these payments to Class Counsel in conformity with the terms of the Settlement.

13. The Court finds that a payment to the Labor & Workforce Development Agency ("LWDA") in the amount of \$3,750.00 for the LWDA's share of civil penalties under the Labor Code Private Attorneys General Act is fair, reasonable, and adequate, and orders that the Settlement Administrator make this payment in conformity with the terms of the Settlement.

14. The Court orders that the Settlement Administrator shall be paid \$4,995.00 from the Maximum Settlement Amount for all of its work done and to be done until the completion of this matter, and finds that sum appropriate.

15. The Court finds and determines that upon satisfaction of all obligations under the Settlement and this Order, all Settlement Class Members will be bound by the Settlement and will have released the Released Claims as set forth in the Settlement.

1 16. Settlement is not an admission by Defendant, nor is this Order and Final Judgment
2 a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order
3 and Final Judgment, the Settlement, nor any document referred to herein, nor any action taken to
4 carry out the Settlement, shall be construed or deemed an admission of liability, culpability, or
5 wrongdoing on the part of Defendant.

6 17. As of the date of this Order and Final Judgment, Plaintiff and every member of
7 the Settlement Class shall be deemed to have released and discharged Defendant, its past officers,
8 directors, shareholders, and employees, (collectively the “Released Parties”) for all claims that
9 were pled or could have been pled based on the factual allegations in the FAC, including: (a)
10 minimum wage violations (b) failure to pay all overtime wages; (c) rest period violations; (d)
11 wage statement violations; (e) waiting time penalties; (f) all claims arising out of unfair business
12 practices under Business & Professions Code § 17200, *et seq.* that could have been premised on
13 the claims that were pled or could have been pled based on the factual allegations in the FAC;
14 and (g) all claims for civil penalties under the PAGA, that could have been premised on the claims
15 that were pled or could have been based on the factual allegations in the FAC (collectively, the
16 “Released Claims”). The period of the Release shall extend to the limits of the Class Period.

17 18. The releases identified herein shall be null and void should the Settlement not be
18 fully funded.

19 19. This document shall constitute a final judgment pursuant to California Rule of
20 Court 3.769(h) which provides, “If the court approves the settlement agreement after the final
21 approval hearing, the court must make and enter judgment. The judgment must include a
22 provision for the retention of the court’s jurisdiction over the parties to enforce the terms of the
23 judgment. The court may not enter an order dismissing the action at the same time as, or after,
24 entry of judgment.” Pursuant to section 664.6 of the California Code of Civil Procedure, the
25 Court will retain jurisdiction to enforce the Settlement and this Final Order and Judgment.

26 20. The Settlement Class Members will be provided notice with their Individual
27 Settlement Awards that the Final Order and Judgment is posted on the Settlement Administrator’s
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1 website. A copy of the Final Order and Judgment entered by the Court shall be posted by the
2 Settlement Administrator on the Settlement Administrator's website at ([https://](https://Phoenixclassaction.com/RuizKingsCanyon/)
3 Phoenixclassaction.com/RuizKingsCanyon/).

4 21. The Settlement Administrator shall file a declaration regarding the disbursement
5 of Settlement funds on or before July 18, 2023, and the date for the Final Report (Nonappearance)
6 Hearing shall be set for July 25, 2023. The declaration shall state the date the checks were mailed,
7 the total number of checks mailed to Settlement Class Members, the average amount of those
8 checks, the number of checks that remain uncashed, the total value of those uncashed checks, the
9 average amount of the uncashed checks, and the nature and date of the disposition of those
10 unclaimed funds.

11
12 **IT IS SO ORDERED. JUDGMENT IS HEREBY ENTERED.**

13 Dated: June 14, 2022



Honorable Bret Hillman
Judge of the Superior Court