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Attorneys for Plaintiff Heriberto Marquez
and Proposed Class Counsel

FILED
Superior Court of California
County of Los Angeles
08/15/2022
Sherri R. Carter, Executive Officer / Clerk of Court
By: J. Alfaro Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – POMONA COURTHOUSE SOUTH

HERIBERTO MARQUEZ, on behalf of
himself and all “aggrieved employees”
pursuant to Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

P & B INTERMODAL SERVICES
LIMITED LIABILITY COMPANY, a
New Jersey limited liability company, and
DOES 1 through 10, inclusive,

Defendants.

Case No.: 21PSCV00224

*Assigned For All Purposes to the Honorable Judge
Peter A. Hernandez, Dept. O*

CLASS ACTION

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

DATE: August 11, 2022

TIME: 9:30 a.m.

DEPT.: O

Action Filed: March 17, 2021

1 Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on August 11, 2022. The above-captioned Action is a class action lawsuit brought
3 by Plaintiff Heriberto Marquez ("Plaintiff" or "Marquez") against Defendant P & B Intermodal
4 Services Limited Liability Company ("Defendant") (all together, the "Parties"). Plaintiff alleges,
5 on behalf of a class of certain of Defendant's current and former employees, that Defendant failed
6 to pay all wages, failed to reimburse business expenses, failed to timely pay wages due during
7 employment and upon separation of employment, and failed to comply with itemized wage
8 statement provisions. Defendant denies any and all alleged wrongdoing and denies any liability to
9 Plaintiff or to members of the Class. Defendant contends that that it has complied at all times with
10 California law, including the California Labor Code, the Industrial Commission Wage Orders, and
11 the California Business and Professions Code.

12 On April 26, 2022, this Court entered an Order Granting Preliminary Approval of
13 Settlement, resulting in certification of the following provisional Settlement Class: All persons who
14 are or were employed by P&B Intermodal Services, LLC in the State of California in a non-exempt
15 position during the Settlement Period [March 17, 2017 to November 1, 2021].

16 That Preliminary Approval Order further directed the Parties to provide Notice to the Class,
17 which informed absent class members of: (a) the proposed Settlement, and the Settlement's key
18 terms; (b) the date, time and location of the Final Approval Hearing; (c) the right of any Class
19 Member to object to the proposed Settlement, and an explanation of the procedures to exercise that
20 right; (d) the right of any Class Member to exclude themselves from the proposed Settlement, and
21 an explanation of the procedures to exercise that right; and (e) an explanation of the procedures for
22 Class Members to participate in the proposed settlement.

23 The Court, upon Notice having been given as required in the Preliminary Approval Order,
24 and having considered the Stipulation of Settlement (the "Settlement"), as well as all papers filed,
25 hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

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1 1. This Court has jurisdiction over the subject matter of the Action and over all Parties
2 to the Action, including all members of the Settlement Class.

3 2. The Court finds that the Settlement Class is properly certified for settlement
4 purposes only.

5 3. The Notice provided to the Settlement Class conforms with the requirements of
6 California Code of Civil Procedure section 382, California Civil Code section 1781, California
7 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other
8 applicable law, and constitutes the best notice practicable under the circumstances, by providing
9 individual notice to all Class Members who could be identified through reasonable effort, and by
10 providing due and adequate notice of the proceedings and of the matters set forth therein to the
11 Class Members. The notice fully satisfied the requirements of due process.

12 4. The Court finds the settlement was entered into in good faith, that the settlement is
13 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable
14 requirements for final approval of this class action settlement under California law, including the
15 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
16 3.769. The Court approves the Settlement Amount of Four Hundred Thirty-Nine Thousand Dollars
17 (\$439,000).

18 5. Zero (0) Class Members have objected to the terms of the Settlement.

19 6. Zero (0) Class Members have requested exclusion from the Settlement.

20 7. Upon entry of this Order, compensation to the Class Members and PAGA Members
21 shall be affected pursuant to the terms of the Settlement.

22 8. In addition to any recovery that Plaintiff may receive from the Net Settlement
23 Amount, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
24 hereby approves the payment of a Service Payment to Plaintiff Heriberto Marquez in the amount
25 of Ten Thousand Dollars (\$10,000). This shall be paid from the Settlement Amount.

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1 9. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
2 One Hundred Forty-Six Thousand Three Hundred Thirty-Three Dollars and Thirty-Three Cents
3 (\$146,333.33), and the reimbursement of litigation expenses in the sum of Eight Thousand Five
4 Hundred Sixty-Two Dollars and Eighty Cents (8,562.80). This shall be paid from the Settlement
5 Amount.

6 10. The Court approves and orders payment in the amount of Seven Thousand Five
7 Hundred Dollars (\$7,500) to ILYM Group, Inc. for performance of its settlement administration
8 services. This shall be paid from the Settlement Amount.

9 11. The Court approves the PAGA Settlement and its apportionment among the PAGA
10 Members, and orders payment in the amount of Fifteen Thousand Dollars (\$15,000) to the
11 California Labor and Workforce Development Agency for its 75% share of PAGA penalties. This
12 shall be paid from the Settlement Amount.

13 12. Upon the entry of this Order and Judgment, Plaintiff, all Class Members, and all
14 PAGA Members shall be bound by the release of claims as set forth in the Settlement.

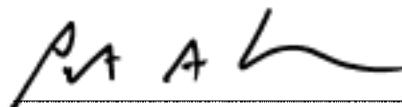
15 13. This "Judgment" is intended to be a final disposition of the above captioned action
16 in its entirety, and is intended to be immediately appealable.

17 14. This Court shall retain jurisdiction with respect to all matters related to the
18 administration and consummation of the Settlement, and any and all claims asserted in, arising out
19 of, or related to the subject matter of the lawsuit, including but not limited to all matters related to
20 the settlement and the determination of all controversies relating thereto.

21 **IT IS SO ORDERED.**

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23 Dated: 08/15/2022



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25 JUDGE OF THE SUPERIOR COURT
26 Peter A. Hernandez / Judge
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