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Attorneys for Plaintiffs Erica Tellier and Christina Ly
and Proposed Class Counsel

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – SOUTHWEST DISTRICT**

ERICA TELLIER on behalf of herself and all
“aggrieved employees” pursuant to Labor
Code § 2698 et seq.,

Plaintiff,

v.

EL DORADO ENTERPRISES, INC., a
California corporation, and DOES 1 through
10, inclusive,

Defendants.

CASE NO: 18TRCV00076

*Assigned to the Honorable Deirdre Hill, Dept.
M*

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

Date: April 23, 2021

Time: 10:00 a.m.

Dept.: M

Action Filed: November 5, 2018

1 In December 2020, Plaintiff Erica Tellier and Christina Ly (“Plaintiffs”), individually
2 and on behalf of the Settlement Class, and Defendant El Dorado Enterprises, Inc.
3 (“Defendant”) (collectively, the “Parties”) entered into a class action settlement (the
4 “Settlement”), the terms and conditions of which are set forth in the parties’ Amended
5 Settlement Agreement and Release of Claims (the “Stipulation”). This matter having come
6 before the Court on April 23, 2021 for the Final Approval Hearing on Plaintiffs’ Motion for
7 Final Approval of Class Action Settlement and Plaintiffs’ Application for Approval of
8 Attorneys’ Fees and Costs, Claims Administration Fees, and Class Representatives’ Service
9 Payments, due and adequate notice having been given to Class Members as required by the
10 Court’s Order Granting Motion for Preliminary Approval of Class Action Settlement
11 (“Preliminary Approval Order”), and the Court, having considered all the papers filed and
12 proceedings herein, having determined that the Settlement is fair, adequate and reasonable,
13 and otherwise being fully informed, **hereby ORDERS as follows:**

14 1. All terms used herein shall have the same meaning as given them in the
15 Stipulation.

16 2. The Court has jurisdiction over the subject matter of this proceeding and over
17 all Parties to this proceeding, including all Class Members.

18 3. The Court hereby unconditionally certifies the Settlement Class, as set forth in
19 the Stipulation, for purposes of this Settlement only.

20 4. Distribution of the Notice of Pendency of Class Action Settlement and Final
21 Hearing (“Notice”) directed to the Class Members as set forth in the Preliminary Approval
22 Order has been completed in conformity with the Preliminary Approval Order, including
23 individual notice to all Class Members who could be identified through reasonable effort,
24 and constitutes the best notice practicable under the circumstances. The Notice provided due
25 and adequate notice of the proceedings and of the matters set forth in the Preliminary
26 Approval Order, including the proposed Settlement as set forth in the Stipulation. The
27 Notice provided adequate and appropriate notice to all persons entitled to such notice, and
28

1 therefore fully satisfied the requirements of due process. All Class Members and the released
2 claims of all Class Members are covered by and included within the Settlement and within
3 this Final Approval Order.

4 5. The Court finds that the Settlement has been reached as a result of intensive,
5 serious, and non-collusive arms-length negotiations and the Settlement was entered into in
6 good faith. The Court further finds that the Settlement is fair, reasonable, and adequate, and
7 that Plaintiff have satisfied the standards and applicable requirements for final approval of
8 this class action Settlement under California law.

9 6. The Court hereby approves the Settlement as set forth in the Stipulation and
10 directs the parties to effectuate the Settlement according to the terms set forth in the
11 Stipulation. In granting final approval of the Stipulation, the Court considered the nature of
12 the claims, the amounts and kinds of benefits paid in settlement, the allocation of settlement
13 proceeds among the Settlement Class Members, and the fact that a settlement represents a
14 compromise of the parties' respective positions rather than the result of a finding of liability
15 at trial. Additionally, the Court finds that the terms of the Stipulation have no obvious
16 deficiencies and do not improperly grant preferential treatment to any individual Class
17 Member.

18 7. As of the date of this Final Approval Order, except as to such rights or claims
19 that may be created by the Settlement, each and all of the Released Claims of each Class
20 Member who did not timely submit a valid request for exclusion shall be deemed to be
21 conclusively released as against the Released Parties (as defined in the Stipulation).

22 8. Neither the Settlement nor any of the terms set forth in the Stipulation
23 constitute an admission by Defendant of liability to the named Plaintiff or any Class
24 Member, nor does this Final Approval Order constitute a finding by the Court of the validity
25 of any of the claims alleged in the Lawsuit, or of any liability of Defendant.

26 9. The Court hereby finds the \$750,000 Maximum Settlement Amount provided
27 for in the Stipulation to be fair, reasonable and adequate.

1 10. The Court hereby confirms Daniel F. Gaines, Esq. and Alex P. Katofsky, Esq.
2 of Gaines & Gaines, APLC and Paul K. Haines, Esq. and Sean M. Blakely, Esq. of Haines
3 Law Group, APC as Class Counsel.

4 11. Pursuant to the terms of the Stipulation, and the authorities, evidence, and
5 argument set forth in Class Counsel's application, an award of attorneys' fees in the amount
6 of \$250,000 and for costs and expenses in the amount of \$13,643.11 as final payment for and
7 in complete satisfaction of any and all attorneys' fees and costs incurred by and/or owed to
8 Class Counsel is hereby granted. The Court finds that Class Counsel's request falls within
9 the range of reasonableness and that the result achieved justifies the award. The payment of
10 fees and costs to Class Counsel shall be made in accordance with the terms of the Stipulation.

11 12. The Court also hereby approves Plaintiffs Erica Tellier and Christina Ly as
12 the Class Representatives and orders payment to Plaintiffs for their service as the Class
13 Representative in the sum of ^{\$7,500.00}~~\$10,000~~ each (for a total of ^{\$15,000.00}~~\$20,000~~). The payment of the Class
14 Representatives' service payments shall be made in accordance with the terms of the
15 Stipulation.

16 13. The Court approves the settlement of the PAGA claims alleged in the Lawsuit
17 and the payment of \$10,000 to the California Labor and Workforce Development Agency to
18 settle those claims.

19 14. The Court hereby finds the Net Settlement Proceeds as provided in the
20 Stipulation to be fair, reasonable and adequate. The Court hereby authorizes and directs the
21 Settlement Administrator, ILYM Group, Inc., to calculate and disburse the individual
22 settlement payments of all Settlement Class Members who have submitted timely and valid
23 claims in accordance with the terms of the Stipulation.

24 15. The Court further approves the payment of \$20,000 to ILYM Group, Inc.
25 from the Maximum Settlement Amount for the costs of administering the Settlement as set
26 forth in the Stipulation. The payment authorized by this paragraph shall be made in
27 accordance with the terms of the Stipulation.

1 16. If the Settlement does not become final and effective in accordance with the
2 terms of the Stipulation, this Final Approval Order and all orders entered in connection
3 herewith, including the Judgment on this Order, shall be vacated and shall have no further
4 force or effect.

5 17. Pursuant to California Rules of Court, rule 3.769(h), the Court hereby enters
6 Judgment in this action; provided, however, that without affecting the finality of the
7 Settlement or the judgment entered herein, this Court shall retain exclusive and continuing
8 jurisdiction over the Lawsuit and the Parties, including all Class Members, for purposes of
9 enforcing and interpreting this Order and the Settlement.

10 **IT IS SO ORDERED.**

11 Dated: 04/23/2021
12 _____



13 **Deirdre Hill**
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15 JUDGE OF THE SUPERIOR COURT
16 Deirdre Hill / Judge
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