

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

WAYNE ERIC FAN, an individual

Plaintiff,

vs.

CYBERCODERS, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: 30-2021-01207940-CU-OE-CXC

**[ORDER GRANTING APPROVAL OF
PAGA SETTLEMENT AND JUDGMENT**

Filed: 06/29/2021

Dept: CX102

Judge: Hon. Layne H. Melzer

Hearing:

Date: April 17, 2025

Time: 2:00 p.m.

Dept: CX 102

] ORDER GRANTING JOINT MOTION FOR FINAL APPROVAL OF SETTLEMENT

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL:

2 The Joint Motion for Final Approval of Settlement Pursuant to the Private Attorneys
3 General Act of 2004 came on for hearing on April 17, 2025 at 2:00 p.m. before this Court in
4 Department CX102, the Honorable Layne H. Melzer presiding. After considering the Joint
5 Motion filed by the parties, the argument of counsel at the hearing, and good cause appearing
6 therefor, the Court HEREBY ORDERS THE FOLLOWING:

7 1. All terms used herein shall have the same meaning as defined in the Settlement
8 Agreement and Release (the “Settlement”), a copy of which is attached hereto as Exhibit 1.
9 (also attached as ROA 108, Ex. D)

10 2. Pursuant to the California Labor Code Private Attorneys General Act (“PAGA”),
11 Cal. Lab. Code §§ 2699(l)(2), (l)(4), the Labor Workforce and Development Agency
12 (“LWDA”) has been given notice of the Settlement. Notice was given on April 22, 2024.

13 3. The Court confirms approval of the Settlement as to the following group of
14 individuals, collectively referred to as the “Aggrieved Employees”: All persons employed by
15 Cybercoders, Inc. (“Cybercoders” or “Defendant”) in the State of California in non-exempt
16 positions from April 25, 2020 to December 22, 2023.

17 4. The Court has jurisdiction over the subject matter of this litigation, over all
18 Aggrieved Employees, and over those persons and entities undertaking affirmative obligations
19 under the Settlement.

20 5. The Settlement is approved under *Cal. Labor Code* §2699(l)(2)

21 6. The Notice of PAGA Settlement and Release of Claims, attached hereto as
22 Exhibit 2 (and ROA 122, Ex. B) fairly and adequately describes the Action, the approved
23 Settlement, and is the best notice practicable under the circumstances.

24 7. The Court approves the release of claims as indicated in the Settlement attached
25 as Exhibit 1 (and ROA 108, Ex. D).

26 8. The Gross Settlement Amount, Net Settlement Amount, and the methodology
27 used to calculate each Aggrieved Employee Settlement Award, in accordance with the
28 Settlement is approved under Cal. Lab. Code § 2699(l)(2).

] ORDER GRANTING JOINT MOTION FOR FINAL APPROVAL OF SETTLEMENT

1 9. The Court authorizes the Settlement Administrator to calculate and pay the
2 Aggrieved Employee Settlement Awards, in accordance with the terms of the Settlement.

3 10. The Court awards CPT Group., the Settlement Administrator, in this Action its
4 fees and costs in the amount of \$7,500.00 to be paid from the Gross Settlement Amount.

5 11. The Court awards Plaintiff Wayne Eric Fan, a five hundred dollar (\$500.00)
6 service award to be paid from the Gross Settlement Amount.

7 12. The Court approves the allocations and payment of Two Hundred Forty-Five
8 Thousand Dollars (\$245,000.00) for the compromise of claims brought under PAGA, to be paid
9 in accordance with the terms of the Settlement.

10 13. Under the terms of the Settlement, 75% of the Net Settlement Amount will be
11 paid to the State of California Labor Workforce Development Agency (“LWDA Payment”); the
12 remaining amount of the Net Settlement Amount shall be distributed to the Aggrieved
13 Employees in accordance with the terms of the Settlement.

14 14. Checks for Aggrieved Employee Settlement Awards sent to Aggrieved
15 Employees shall be valid for 180 days after issuance. Funds remaining from any checks for any
16 Aggrieved Employee Settlement Awards uncashed after 180 days will be disbursed to the
17 California State Controllers’ Office Unclaimed Property Fund.

18 15. The Court approves reasonable attorneys’ fees in the amount of eighty thousand
19 eight hundred and fifty dollars (\$80,850.00) to Plaintiff’s counsel in the Action.

20 16. The Court approves reasonable costs in the amount of twelve thousand one
21 hundred and sixty seven dollars and fifty five cents (\$12,167.55) to Plaintiff’s counsel in the
22 Action.

23 17. The Court retains exclusive and continuing jurisdiction over this Action for the
24 purposes of supervising, administering, implementing, interpreting, and enforcing this Order, as
25 well as the Settlement pursuant to *CCP* §664.6 and *CRC* 3.769(h).

26 18. Nothing in this Judgment or the Settlement shall be construed as an admission or
27 concession by any party. The Settlement and this resulting Judgment simply represent a
28 compromise of disputed allegations.

1 19. Plaintiff is directed to submit a copy of this judgment to the LWDA within 5
2 days of the date of this Order.

3 20. A final Account hearing shall be held on May 21, 2026 in Department CX102 of
4 the Orange County Superior Court, Central Justice Center, Complex Civil Panel, 751 W. Santa
5 Ana Blvd., Santa Ana CA 92701, with a final report regarding the distribution of the settlement
6 funds to be filed at least fourteen (14) calendar days in advance of the hearing.

7
8 **IT IS SO ORDERED.**

9 Date: May 5, 2025



HON. LAYNE H. MELZER
Judge of the Superior Court