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and Adam Sardoni and Proposed Class Counsel

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

DEREK DOWNEY, ADAM SARDONI,
individually and on behalf of all similarly
situated individuals, on behalf of the
general public, and all "aggrieved
employees" pursuant to Labor Code § 2698
et seq.

Plaintiffs,

v.

NATIONAL TECHNICAL SYSTEMS,
INC., a California corporation, and DOES
1 through 10, inclusive,

Defendants.

Case No.: 22STCV00946

Assigned to the Hon. Stuart M. Rice, Dept. 1

CLASS ACTION

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

DATE: December 1, 2023

TIME: 10:30 a.m.

DEPT.: SSC-1

Action Filed: May 4, 2021

FILED
Superior Court of California
County of Los Angeles
12/01/2023

David W. Slayton, Executive Officer / Clerk of Court

By: A. He Deputy

1 Plaintiffs’ Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on December 1, 2023. The above-captioned Action is a class action lawsuit
3 brought by Plaintiffs Derek Downey and Adam Sardoni (together, “Plaintiffs”) against Defendants
4 National Technical Systems, Inc., NTS Technical Systems, NTS Engineering Services, Inc., Unitek
5 Technical Services, Inc. and National Quality Assurance – USA, Inc. (“Defendants”) (collectively,
6 the “Parties”). Plaintiffs allege, on behalf of a class of Defendant’s current and former employees,
7 that, Defendant failed to provide meal and rest periods or compensation in lieu thereof, failed to
8 pay all wages due, failed to pay wages due timely upon separation of employment, and failed to
9 comply with itemized wage statement provisions. Defendant denies any and all alleged
10 wrongdoing, and denies any liability to the Plaintiffs or to members of the Class. Defendant
11 contends that that it has complied at all times with California law, including the California Labor
12 Code, the Industrial Commission Wage Orders, and the California Business and Professions Code.

13 On May 30, 2023, this Court entered an Order Granting Preliminary Approval of
14 Settlement, resulting in certification of the following provisional Settlement Class: all persons
15 employed in California by Defendant National Technical Systems, Inc., NTS Technical Systems,
16 NTS Engineering Services, Inc., Unitek Technical Services, Inc., or National Quality Assurance-
17 USA, Inc. as current or former hourly-paid or non-exempt employees at any time during the period
18 between May 4, 2017, through June 13, 2022. The Aggrieved Employees are defined as all Class
19 Members employed by Defendant during the PAGA Period (from February 24, 2020 through June
20 13, 2022).

21 That Order further directed the Parties to provide Notice to the Class, which informed absent
22 class members of: (a) the proposed Settlement, and the Settlement’s key terms; (b) the date, time
23 and location of the Final Approval Hearing; (c) the right of any Class Member to object to the
24 proposed Settlement, and an explanation of the procedures to exercise that right; (d) the right of
25 any Class Member to exclude themselves from the proposed Settlement, and an explanation of the
26 procedures to exercise that right; and (e) an explanation of the procedures for class members to
27 participate in the proposed settlement.
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1 The Court, upon Notice having been given as required in the Preliminary Approval Order,
2 and having considered the First Amended Joint Stipulation of Class Action Settlement and Release
3 Between Plaintiffs, on Behalf of Themselves and All Others Similarly Situated and Aggrieved, and
4 Defendant, attached hereto as **Exhibit 1** (the “Settlement”), as well as all papers filed, hereby
5 **ORDERS, ADJUDGES AND DECREES AS FOLLOWS:**

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

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

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

17 4. The Court finds the settlement was entered into in good faith, that the settlement is
18 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable
19 requirements for final approval of this class action settlement under California law, including the
20 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
21 3.769.

22 5. The Court approves the Maximum Settlement Amount of \$885,000.

23 6. Zero (0) Class Members have objected to the terms of the Settlement.

24 7. Two (2) individuals have requested exclusion from the Settlement: Kostiantyn
25 Tepliuk and Pamela Tucker. One (1) additional Class Member named David Duncan has been
26 excluded from the Settlement of the class claims because he separately settled and released the
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1 claims that are covered by the Settlement. All three (3) individuals are hereby excluded from the
2 settlement of the class claims, but will still receive their PAGA payments.

3 8. Upon entry of this Order, compensation to the participating members of the
4 Settlement Class shall be effected pursuant to the terms of the Settlement.

5 9. In addition to any recovery that Plaintiffs may receive from the Net Settlement
6 Amount, and in recognition of the Plaintiffs' efforts on behalf of the Settlement Class, the Court
7 hereby approves the payment of incentive awards to Plaintiffs Derek Downey and Adam Sardoni
8 in the amount of Five Thousand Dollars (\$5,000) each (totaling \$10,000). This shall be paid from
9 the Maximum Settlement Amount.

10 10. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
11 Two Hundred Ninety-Five Thousand Dollars (\$295,000), and the reimbursement of litigation
12 expenses in the sum of Nineteen Thousand Three Hundred Two Dollars and Fifty-Six Cents
13 (\$19,302.56). This shall be paid from the Maximum Settlement Amount.

14 11. The Court approves and orders payment in the amount of Twelve Thousand Dollars
15 (\$12,000) to Phoenix Class Action Settlement Administration Solutions for performance of its
16 settlement administration services. This shall be paid from the Maximum Settlement Amount.

17 12. The Court approves and orders payment in the amount of Fifteen Thousand Dollars
18 (\$15,000) to the California Labor and Workforce Development Agency for its 75% share of PAGA
19 penalties. This shall be paid from the Maximum Settlement Amount.

20 13. Upon the entry of this Order and Judgment, and subject to the occurrence of the
21 Effective Date, Plaintiffs and all Class Members shall be deemed to have released the Released
22 Parties from the Released Claims as more fully defined in the Settlement.

23 14. Upon the entry of this Order and Judgment, and subject to the occurrence of the
24 Effective Date, Plaintiffs and all Aggrieved Employees shall be deemed to have released the
25 Released Parties from the PAGA Released Claims as more fully defined in the Settlement.
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1 15. Upon completion of administration of the Settlement, the parties shall file a
2 declaration stating that claims have been paid and that the terms of the settlement have been
3 completed.

4 16. This “Judgment” is intended to be a final disposition of the above captioned action
5 in its entirety, and is intended to be immediately appealable.

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

10 **IT IS SO ORDERED.**

11
12 Dated: December 1, 2023



A handwritten signature in black ink, appearing to read "Stuart M. Rice", is written over the judge's name.

Stuart M. Rice / Judge

JUDGE OF THE SUPERIOR COURT