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FILED
Superior Court of California
County of Los Angeles
09/06/2022

Sherri R. Carter, Executive Officer / Clerk of Court
By: J. Grodell Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

DAVID GARLAND BOWEN, individually,
and on behalf of all others similarly situated,

Plaintiff,

vs.

IMPERIAL PIPE SERVICES, LLC, a limited
liability company; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 21STCV08382

Hon. William F. Highberger– Dept. SSC-10

CLASS AND REPRESENTATIVE ACTION

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

Date: September 6, 2022
Time: 11:00 a.m.
Courtroom: SSC-10
Judge: Hon. William F. Highberger

Date Action Filed: March 2, 2021
FAC Filed: May 3, 2021
Trial Date: Not Yet Set

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Plaintiff David Garland Bowen (“Plaintiff”) and Defendant Imperial Pipe Services, Inc., formerly
3 known as Imperial Pipe Services, LLC, (“Defendant”) have reached terms of settlement for a putative class
4 action.

5 Plaintiff has filed a motion for final approval of a class action settlement of the claims asserted
6 against Defendant in this action, memorialized in the Second Amended JOINT STIPULATION OF
7 CLASS AND PAGA ACTION SETTLEMENT AND RELEASE (*see* Declaration of Kane Moon In
8 Support of Plaintiff’s Motion for Final Approval of Class Action and PAGA Action Settlement and
9 Release [“Moon Decl.”], at Exh. 1). the Second Amended JOINT STIPULATION OF CLASS AND
10 PAGA ACTION SETTLEMENT AND RELEASE is referred to herein as the “Agreement” or
11 “Settlement.”

12 After reviewing the Agreement, the Notice process, and other related documents, and having heard
13 the argument of Counsel for respective parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

14 1. The Court finds that the terms of the proposed class action Settlement are fair, reasonable,
15 and adequate, pursuant to California Code of Civil Procedure § 382. In granting preliminary approval of
16 the class action settlement the Court has considered the factors identified in *Dunk v. Ford Motor Co.*,⁴⁸
17 Cal. App. 4th 1794 (1996), as approved in *Wershba v. Apple Computer, Inc.*, 91 Cal. App. 4th 224 (2001)
18 and *In re Microsoft IV Cases*, 135 Cal. App. 4th 706 (2006).

19 2. The Court finds that the Settlement has been reached as a result of intensive, serious and
20 non-collusive arms-length negotiations. The Court further finds that the parties have conducted thorough
21 investigation and research, and the attorneys for the parties are able to reasonably evaluate their respective
22 positions. The Court also finds that settlement at this time will avoid additional substantial costs, as well
23 as avoid the delay and risks that would be presented by the further prosecution of the action. The Court
24 finds that the risks of further prosecution are substantial.

25 3. The parties’ Settlement is granted final approval as it meets the criteria for final settlement
26 approval. The settlement falls within the range of possible approval as fair, adequate and reasonable, and
27 appears to be the product of arm’s-length and informed negotiations and to treat all Class Members fairly.
28 No Class Member has objected to the Settlement. The Class meets the requirements for conditional

1 certification for settlement purposes only under Code of Civil Procedure § 382.

2 4. The Notice of Proposed Class Action Settlement (“Notice”) provided to the Class
3 conforms with the requirements of Code of Civil Procedure § 382, Civil Code § 1781, Rules of Court
4 3.766 and 3.769, the California and United States Constitutions, and any other applicable law, and
5 constitutes the best notice practicable under the circumstances, by providing individual notice to all Class
6 Members who could be identified through reasonable effort, and by providing due and adequate notice
7 of the proceedings and of the matters set forth therein to the other Class Members. The Class Notice fully
8 satisfied the requirements of due process.

9 5. The following persons are certified as Class Members solely for the purpose of entering
10 a settlement in this matter:

11 All current and former hourly nonexempt persons employed by Defendant in the State
12 of California between March 2, 2017, through March 31, 2022, or the date of
preliminary approval of the settlement, whichever is sooner (Settlement, ¶ 12.)

13 6. Plaintiff David Garland Bowen is appointed the Class Representative. The Court finds
14 Plaintiff’s counsel are adequate, as they are experienced in wage and hour class action litigation and have
15 no conflicts of interest with absent Settlement Class Members, and that they adequately represented the
16 interests of absent class members in the Litigation. Kane Moon and Lilit Ter-Astvatsatryan of Moon &
17 Yang, APC, are appointed Class Counsel.

18 7. The Court appoints ILYM Group, Inc. to act as the “Settlement Administrator,” pursuant
19 to the terms set forth in the Agreement.

20 8. No Class Member requested exclusion from the Class. All Class Members are bound by
21 the Final Approval Order and associated Judgment in the Action. All Class Members are Settlement
22 Class Members.

23 9. Upon entry of this Final Approval Order and the associated Judgment, funding of the
24 Settlement and compensation to the Class Members shall be implemented pursuant to the terms of the
25 Settlement.

26 10. In addition to any recovery that the Plaintiff may receive under the Settlement as a Class
27 Member, and in recognition of the Plaintiff’s efforts on behalf of the Class, the Court hereby approves the
28 payment of an enhancement award to Plaintiff in the amount of **\$7,500.**

1 11. The Court approves the payment of attorneys' fees to Class Counsel Moon & Yang, APC,
2 in the amount of **\$163,333.00**.

3 12. Litigation expenses are approved by the Court in the following amount: **\$14,569.42** is
4 awarded to Moon & Yang, APC.

5 13. The Court approves and orders payment in the amount of **\$6,890** to ILYM Group, Inc.
6 for performance of its services as the Settlement Administrator, as set forth in the Class Notice.

7 14. Upon completion of administration of the Settlement, the Parties shall file a declaration
8 stating that all amounts payable under the Settlement have been paid and that the terms of the Settlement
9 have been completed. In the event that any un-cashed or abandoned checks must be distributed to the cy
10 pres, the Settlement Administrator will cancel the tax documents associated with those un-cashed or
11 abandoned checks, and the Parties will submit to the Court a revised Judgment that states the final
12 disposition of all amounts under this Settlement, including the aggregate amount of all uncashed checks
13 and any accrued interest, in compliance with California Code of Civil Procedure § 384.

14 15. The Court sets a non-appearance case review hearing regarding compliance with all fund
15 distribution requirements under the Settlement June 1, 2023 at 9 a.m., in Department
16 SSC-10 of the above-entitled Court. A declaration from the Settlement Administrator regarding
17 compliance shall be filed with the Court no later than five days before the non-appearance case review.
18 No appearance by the parties is required at the Order to Show Cause hearing if the Settlement
19 Administrator's declaration is timely filed and the Settlement Administrator reports that all of the
20 distributions under the Settlement are complete and, if needed, an Amended Judgment is submitted to
21 address distribution of any unclaimed funds in compliance with California Code of Civil Procedure §
22 384.

23 16. The Court approves and orders payment in the amount of **\$18,750** to the Labor and
24 Workforce Development Agency in compromise of claims under the Labor Code Private Attorneys
25 General Act of 2004 (Labor Code § 2698 *et seq.*).

26 17. Once Defendant fully funds the Settlement by paying the Gross Settlement Amount and
27 the employer share of payroll taxes, Plaintiff and the Class Members shall have, by operation of this Final
28 Approval Order and Judgment, fully, finally, and forever released, relinquished, and discharged

1 Defendant from the released claims described in the Settlement.

2 18. In accordance with California Rule of Court 3.771(b), the parties are ordered to give notice
3 of this final Order and the Judgment to all Class Members by posting the Order and the Judgment for 90
4 calendar days on the Settlement Administrator's website.

5
6 **IT IS SO ORDERED.**

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8 Dated: 09/06/2022



Hon. William F. Highberger
LOS ANGELES COUNTY SUPERIOR COURT JUDGE

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I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 1055 W. 7th Street, Suite 1880, Los Angeles, CA 90017.

Katherine C. Den Bleyker
Nare Avagyan
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☒ **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed above via third-party cloud service CASEANYWHERE.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this **August 17, 2022** at Los Angeles, California.

Signature