

LIDMAN LAW, APC

Scott M. Lidman (SBN 199433)
slidman@lidmanlaw.com
Elizabeth Nguyen (SBN 238571)
enguyen@lidmanlaw.com
Milan Moore (SBN 308095)
mmoore@lidmanlaw.com
2155 Campus Drive, Suite 150
El Segundo, California 90245
Tel: (424) 322-4772
Fax: (424) 322-4775

Attorneys for Plaintiff
MAGALI MARTINEZ

HAINES LAW GROUP, APC

Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiff
MAGALI MARTINEZ

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MADERA**

MAGALI MARTINEZ, as an individual and
on behalf of all others similarly situated,

Plaintiff,

vs.

READY ROAST NUT COMPANY, L.L.C., a
California limited liability company; and
DOES 1 through 100, inclusive,
Defendants.

Case No.: MCV084692

*[Assigned for All Purposes to Hon. Katherine
Rigby, Dept. 45]*

**[PROPOSED] ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, CLASS
REPRESENTATIVE'S SERVICE AWARD,
AND ATTORNEYS' FEES AND COSTS**

Date: August 7, 2023
Time: 8:30 a.m.
Dept.: 45

1 This matter came on regularly for hearing before this Court on August 7, 2023, pursuant to
2 California Rule of Court 3.769 and this Court's March 3, 2023 Order Granting Preliminary Approval of
3 Class Action Settlement ("Preliminary Approval Order"). Having considered the parties' Stipulation of
4 Class Action and PAGA Settlement (herein "Settlement")¹ and the documents and evidence presented
5 in support thereof, and recognizing the disputed factual and legal issues involved in this case, the risks
6 of further prosecution and the substantial benefits to be received by the Settlement Class pursuant to the
7 Settlement, the Court hereby makes a final ruling that the proposed Settlement is fair, reasonable, and
8 adequate, and is the product of good faith, arm's-length negotiations between the parties. Good cause
9 appearing therefor, the Court hereby GRANTS Plaintiff's Motion for Final Approval of Class Action
10 Settlement and ORDERS as follows:

11 1. The conditional class certification contained in the Preliminary Approval Order is hereby
12 made final, and the Court thus certifies, for purposes of the Settlement only, a Settlement Class defined
13 as:

14 All former non-exempt employees of Defendant Ready Roast Nut Company,
15 L.L.C. who worked for Defendant at any time in California during the period of
16 August 23, 2016 through September 27, 2020.

17 2. Plaintiff Magali Martinez is hereby confirmed as Class Representative, and Scott M.
18 Lidman, Elizabeth Nguyen, and Milan Moore of Lidman Law, APC and Paul K. Haines of Haines Law
19 Group, APC are hereby confirmed as Class Counsel.

20 3. Notice was provided to the Settlement Class as set forth in the Settlement. The form and
21 manner of notice were approved by the Court on March 3, 2023, and the notice process has been
22 completed in conformity with the Court's Order. The Court finds that said notice was the best notice
23 practicable under the circumstances. The Notice Packet (which consists of the Notice of Pendency of
24 Class Action and Proposed Settlement and Notice of Individual Settlement Award) provided due and
25 adequate notice of the proceedings and matters set forth therein, informed Settlement Class members of
26 their rights, and fully satisfied the requirements of California Code of Civil Procedure § 1781(e),
27 California Rule of Court 3.769, and due process.

28 ¹ Unless otherwise indicated, all terms used in this Order shall have the same meaning as that assigned to them in the Settlement.

1 4. The Court finds that no Settlement Class member objected to the Settlement, that zero
2 (0) class members have opted out of the Settlement, and that the 100% participation rate in the
3 Settlement supports final approval.

4 5. The Court hereby approves the settlement as set forth in the Settlement Agreement as
5 fair, reasonable, and adequate, and directs the parties to effectuate the Settlement Agreement according
6 to its terms.

7 6. For purposes of settlement only, the Court finds that (a) the members of the Settlement
8 Class are ascertainable and so numerous that joinder of all members is impracticable; (b) there are
9 questions of law or fact common to the Settlement Class, and there is a well-defined community of
10 interest among members of the Settlement Class with respect to the subject matter of the litigation; (c)
11 the claims of the Class Representative are typical of the claims of the members of the Settlement Class;
12 (d) the Class Representative has fairly and adequately protected the interests of the Settlement Class
13 members; (e) a class action is superior to other available methods for an efficient adjudication of this
14 controversy; and (f) Class Counsel are qualified to serve as counsel for the Class Representative and the
15 Settlement Class.

16 7. The Court finds that given the absence of objections to the Settlement, and objections
17 being a prerequisite to appeal, that this Order shall be considered final as of the date of notice of entry.

18 8. Defendant has delivered the Gross Settlement Amount of \$325,000.00 to Phoenix
19 Settlement Administrators, the Settlement Administrator, as provided for in the Settlement.

20 9. Any Settlement funds that remain uncashed after 180 calendar days after they are mailed
21 shall be delivered to the California State Controller's Office – Unclaimed Property Fund in the name of
22 the Settlement Class member.

23 10. The Court finds that the settlement payments, as provided for in the Settlement, are fair,
24 reasonable, and adequate, and orders the Settlement Administrator to distribute the individual payments
25 in conformity with the terms of the Settlement.

26 11. The Court finds that a Service Award in the amount of \$5,000.00 for Plaintiff Magali
27 Martinez is appropriate for her risks undertaken and service to the Settlement Class. The Court finds
28

1 that this award is fair, reasonable, and adequate, and orders that the Settlement Administrator make this
2 payment in conformity with the terms of the Settlement.

3 12. The Court finds that attorneys' fees in the amount of \$108,333.33, and actual litigation
4 costs of \$8,773.55 for Class Counsel, are fair, reasonable, and adequate, and orders that the Settlement
5 Administrator distribute these payments to Class Counsel in conformity with the terms of the Settlement.

6 13. The Court orders that the Settlement Administrator shall be paid \$10,000.00 from the
7 Gross Settlement Amount for all of its work done and to be done until the completion of this matter, and
8 finds that sum appropriate.

9 14. The Court finds that the payment to the California Labor & Workforce Development
10 Agency ("LWDA") in the amount of \$7,500.00 for its share of the settlement of Plaintiff's representative
11 action under the California Labor Code Private Attorneys General Act ("PAGA") is fair, reasonable,
12 and adequate, and orders the Settlement Administrator to distribute this payment to the LWDA in
13 conformity with the terms of the Settlement.

14 15. Pursuant to the terms of the Settlement, the employer's share of payroll taxes for the
15 portion of the Net Settlement Amount allocated to wages shall be paid by Defendant separately from,
16 and in addition to, the Gross Settlement Amount.

17 16. The Court finds and determines that upon satisfaction of all obligations under the
18 Settlement and this Order, all Settlement Class Members will be bound by the Settlement, will have
19 released the Released Claims as set forth in the Settlement, and will be permanently barred from
20 prosecuting against Defendants any of the Released Claims pursuant to the Settlement.

21 17. The Settlement is not an admission by Defendant nor is this Order a finding of the validity
22 of any allegations or of any wrongdoing by Defendant. Neither this Order, the Settlement, nor any
23 document referred to herein, nor any action taken to carry out the Settlement, shall be construed or
24 deemed an admission of liability, culpability, or wrongdoing on the part of Defendant.

25 18. The Court will retain jurisdiction to enforce the Settlement, this Final Approval Order,
26 and the Judgment entered in connection with the Settlement.

1 19. The Settlement Administrator shall file a declaration regarding the disbursement of
2 Settlement funds on or before April 30, 2024.

3 **IT IS SO ORDERED.**

4
5 Dated: _____, 2023

6 Honorable Katherine Rigby
7 Judge of the Superior Court
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28