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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

MAR 18 2022

BY 
JESSICA MORALES, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO

SAMUEL WALLACK, MIGUEL GARCIA,
MARBELLA BALTAZAR, GONZALO
NURENA, JONNY DAGHER, and SEAN
VOIGHT, individually, and on behalf of all others
similarly situated,

Plaintiffs,

v.

AT&T MOBILITY SERVICES LLC,

Defendant.

CASE NO. CIVSB2117915

~~PROPOSED~~ ORDER GRANTING
JOINT MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND JUDGMENT

Date: March 18, 2022
Time: 10:00 a.m.
Dept.: S-26
Judge: Hon. David Cohn

Action Filed: June 22, 2021
Trial Date: Not set

1 On March 18, 2022, a hearing was held on the joint motion of Plaintiffs Samuel Wallack,
2 Miguel Garcia, Marbella Baltazar, Gonzalo Nurena, Jonny Dagher, and Sean Voight and Defendant
3 AT&T Mobility Services LLC ("AT&T"), for final approval of their class settlement (the
4 "Settlement") and payments to the Labor and Workforce Development Agency and the Settlement
5 Administrator. Gregg Shavitz of the Shavitz Law Group, P.A., and Edward Wynne of the Wynne
6 Law Firm appeared for plaintiffs, and Raymond W. Bertrand of Paul Hastings LLP appeared for
7 AT&T.

8 The parties have submitted their Settlement, which this Court preliminarily approved by its
9 November 2, 2021, order ("Preliminary Approval Order"). In accordance with the Preliminary
10 Approval Order, Class Members have been given notice of the terms of the Settlement and the
11 opportunity to comment on or object to it or to exclude themselves from its provisions.

12 Having received and considered the Settlement, the supporting papers filed by the parties, and
13 the evidence and argument received by the Court at the hearing before it entered the Preliminary
14 Approval Order and the final approval hearing on March 18, 2022, the Court grants final approval
15 of the Settlement, and HEREBY ORDERS and MAKES DETERMINATIONS as follows:

16 1. The following group of persons is hereby certified as class members for the purpose
17 of entering a settlement in this matter:

18 a. All persons who worked for AT&T Mobility Services LLC in the State
19 of California, while classified as non-exempt, at any time from August 1, 2015 through
20 November 2, 2021, other than Natasha Ayala, Kellen Shaw, Luis M. Salas Razo, Luis Adrian
21 Elizondo, and Cristian de la Torre.

22 2. The Court finds and determines that this notice procedure afforded adequate
23 protections to Class Members and provides the basis for the Court to make an informed decision
24 regarding approval of the settlement based on the responses of Class Members. The Court finds and
25 determines that the notice provided in this case was the best notice practicable, which satisfied the
26 requirements of law and due process.

27 3. For the reasons stated in the Preliminary Approval Order, the Court finds and
28 determines that the proposed class, as defined in the definitions section of the Settlement, meet all

1 of the legal requirements for class certification, and it is hereby ordered that the Class is finally
2 approved and certified as a Class for purposes of the Settlement.

3 4. The Court further finds and determines that the terms of the Settlement are fair,
4 reasonable, and adequate to the Class and to each Class Member and that the Class Members who
5 have not opted out will be bound by the Settlement, that the Settlement is ordered finally approved,
6 and that all terms and provisions of the Settlement should be and hereby are ordered to be
7 consummated.

8 5. The Court finds and determines that the Settlement Shares to be paid to the
9 Participating Class Members (Class Members who did not timely submit an Election Not to
10 Participate in Settlement), as provided for by the Settlement, are fair and reasonable. The Court
11 hereby gives final approval to and orders the payment of those amounts to be made to the
12 Participating Class Members out of the Net Settlement Amount in accordance with the Settlement.

13 6. Pursuant to the Labor Code Private Attorneys General Act ("PAGA"), Cal. Lab.
14 Code §§ 2699(1)(2), (1)(4), the Labor Workforce and Development Agency ("LWDA") has been
15 given notice of the Settlement. Pursuant to PAGA, on the date the parties filed the motion seeking
16 approval of the Settlement with the Court, the Parties submitted to the LWDA a notice of the
17 Settlement enclosing a copy of the Settlement. The Court finds and determines that the notice of the
18 Settlement complied with the statutory requirements of PAGA.

19 7. The Court finds and determines that payment to the LWDA of \$75,000, and
20 payment to Aggrieved Employees of \$25,000, as each respective group's share of the settlement of
21 civil penalties under PAGA in this case is fair, reasonable, and appropriate. The Court hereby gives
22 final approval to and orders that the payment of those amounts be paid out of the Gross Settlement
23 Amount in accordance with the Settlement.

24 8. The Court finds and determines that the fees and expenses of Atticus Administration,
25 in administering the settlement, in the amount of approximately \$45,000, are fair and reasonable.
26 The Court hereby gives final approval to and orders that the payment of approximately that amount
27 be paid out of the Gross Settlement Amount in accordance with the Settlement.
28

1 9. The Court appoints Gregg Shavitz of the Shavitz Law Group, P.A., and Edward
2 Wynne of the Wynne Law Firm as Class Counsel.

3 10. In addition to any recovery that Plaintiffs may receive from the Net Settlement
4 Amount, and in recognition of the Plaintiffs' efforts on behalf of the Settlement Classes and in
5 exchange for a general release of claims, the Court hereby approves the payment of a service
6 payment to each Named Plaintiff in the amount of \$5,000. This shall be paid from the Gross
7 Settlement Amount.

8 11. Pursuant to the authorities and argument presented to the Court, the Court approves
9 the payment to Class Counsel of attorneys' fees totaling one-third or \$1,346,666.67 of the Gross
10 Settlement Amount, plus litigation expenses to Class Counsel in the sum of \$9,500. This shall be
11 paid from the Gross Settlement Amount.

12 12. Without affecting the finality of this order in any way, the Court retains jurisdiction
13 of all matters relating to the interpretation, administration, implementation, effectuation, and
14 enforcement of this order and the Settlement.

15 13. Upon completion of administration of the settlement, the Settlement Administrator
16 will provide written certification of such completion to the Court and counsel for the parties.

17 14. Pursuant to the Settlement, Plaintiffs, the State of California, and all Participating
18 Class Members permanently release any and all claims against AT&T and any present and former
19 parents, subsidiaries and affiliated companies or entities, and their respective officers, directors,
20 employees, partners, shareholders and agents, and any other successors, assigns and legal
21 representatives and its related persons and entities as specified by the Settlement.

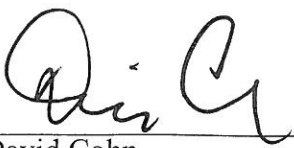
22 15. The parties are hereby ordered to comply with the terms of the Settlement.

23 16. The Parties shall bear his, its or their own respective attorneys' fees and costs except
24 as otherwise provided in the Settlement.

25 17. The Court enters final judgment in the Action in accordance with the Settlement and
26 this Order, subject to the Court's retention of continuing jurisdiction over the Action and the
27 Settlement, including jurisdiction pursuant to California Rule of Court 3.769(h), solely for purposes
28 of (a) enforcing the Agreement, (b) addressing settlement administration matters, and (c) addressing

such post-Judgment matters as may be appropriate under court rules or applicable law.

Dated: 3/18, 2022


Hon. David Cohn
Judge of the Superior Court