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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

NOV 29 2022

BY Amber M. Gear
AMBER M. GEAR, DEPUTY

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN BERNARDINO**
11

12 GINGER GONZALEZ, on behalf of
herself and all "aggrieved employees"
13 pursuant to Labor Code § 2698 *et seq.*,

14 Plaintiff,

15 v.

16 MCS INDUSTRIES, INC., a Pennsylvania
corporation, and DOES 1 through 10,
17 inclusive,

18 Defendants.
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CASE NO: CIVSB2116240

Assigned to the Hon. Michael A. Sachs, Dept. S28

CLASS ACTION

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

DATE: November 18, 2022

TIME: 8:30 a.m.

DEPT.: S28

Action Filed: June 7, 2021

1 Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on November 18, 2022. The above-captioned Action is a class action lawsuit
3 brought by Plaintiff Ginger Gonzalez ("Gonzalez" or "Plaintiff") against Defendant MCS
4 Industries, Inc. ("Defendant") (all together, the "Parties"). Plaintiff alleges, on behalf of a class of
5 certain of Defendant's current and former employees, that Defendant failed to pay all minimum
6 and overtime wages; failed to provide compliant meal or rest periods or compensation in lieu
7 thereof; failed to reimburse business expenses; failed to comply with itemized wage statement
8 provisions; violated background check laws; and failed to timely pay wages due at separation.
9 Defendant denies any and all alleged wrongdoing and denies any liability to Plaintiff or to members
10 of the Class. Defendant contends that that it has complied at all times with California law, including
11 the California Labor Code, the Industrial Commission Wage Orders, and the California Business
12 and Professions Code.

13 On August 9, 2022, this Court entered an Order Granting Preliminary Approval of
14 Settlement, resulting in certification of the following provisional Settlement Class: all current and
15 former non-exempt employees of Defendant employed in the State of California at any time during
16 the Class Period [June 7, 2017 to June 24, 2022]. The PAGA Members consist of all current and
17 former non-exempt employees of Defendant employed in the State of California at any time during
18 the PAGA Period [March 8, 2020 to June 24, 2022].

19 That pursuant to the Preliminary Approval Order, the Notice to the Class was sent to each
20 Class Member by first-class mail, which informed absent class members of: (a) the proposed
21 Settlement, and the Settlement's key terms; (b) the date, time and location of the Final Approval
22 Hearing; (c) the right of any Class Member to object to the proposed Settlement, and an explanation
23 of the procedures to exercise that right; (d) the right of any Class Member to exclude themselves
24 from the proposed Settlement, and an explanation of the procedures to exercise that right; and (e)
25 an explanation of the procedures for Class Members to participate in the proposed settlement.

26 The Court, upon Notice having been given as required in the Preliminary Approval Order,
27 and having considered the Joint Stipulation of Class Action and PAGA Settlement (the
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1 "Settlement"), as well as all papers filed, hereby ORDERS, ADJUDGES AND DECREES AS
2 FOLLOWS:

3 1. This Court has jurisdiction over the subject matter of the Action and over all Parties
4 to the Action, including all members of the Settlement Class.

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

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

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

19 5. The Court approves the Gross Settlement Amount of One Hundred Seventy-Five
20 Thousand Dollars (\$175,000).

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

22 7. Zero (0) Class Members have requested exclusion from the Settlement.

23 8. Upon entry of this Order, compensation to the Class Members shall be affected
24 pursuant to the terms of the Settlement.

25 9. In addition to any recovery that Plaintiff may receive from the Net Settlement
26 Amount, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
27 hereby approves the payment of the Class Representative Enhancement Payment to Ginger
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1 Gonzalez in the amount of Five Thousand Dollars (\$5,000). This shall be paid from the Gross
2 Settlement Amount.

3 10. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
4 Sixty-One Thousand Two Hundred Fifty Dollars (\$61,250), and the reimbursement of litigation
5 expenses in the sum of Eight Thousand Six Hundred Eighty-Five Dollars and Ninety-Seven Cents
6 (\$8,685.97). This shall be paid from the Gross Settlement Amount.

7 11. The Court approves and orders payment in the amount of Two Thousand Seven
8 Hundred Fifty Dollars (\$2,750) to Phoenix Class Action Administration Solutions for performance
9 of its settlement administration services. This shall be paid from the Gross Settlement Amount.

10 12. The Court approves the PAGA Payment and its apportionment among the Class
11 Members, and orders payment in the amount of Fifteen Thousand Dollars (\$7,500) to the California
12 Labor and Workforce Development Agency for its 75% share of PAGA penalties. This shall be
13 paid from the Gross Settlement Amount.

14 13. Upon the entry of this Order and Judgment, Plaintiff and all Class Members shall be
15 bound by the releases of claims as set forth in the Settlement.

16 14. This "Judgment" is intended to be a final disposition of the above captioned action
17 in its entirety, and is intended to be immediately appealable.

18 15. This Court shall retain jurisdiction with respect to all matters related to the
19 administration and consummation of the Settlement, and any and all claims asserted in, arising out
20 of, or related to the subject matter of the lawsuit, including but not limited to all matters related to
21 the settlement and the determination of all controversies relating thereto.

22 16. Each side to bear its own costs and attorneys' fees except as provided by the
23 Settlement and this Final Approval Order and Judgment.

24 **IT IS SO ORDERED.**

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26 Dated: NOV 29 2022

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28 JUDGE OF THE SUPERIOR COURT
MICHAELA A. SACHS