

FILED

Superior Court of California
County of San Francisco

NOV 16 2023

CLERK OF THE COURT

BY:

Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

TATTIANA BENNETT WILLIAMS,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

TREGO/DUGAN AVIATION OF
GRAND ISLAND, INC.; and DOES 1
through 20, inclusive,

Defendants.

Case No. CGC-21-590239

Assigned for all Purposes to:
Hon. Richard B Ulmer Jr.
Dept. 302

**~~SECOND AMENDED~~ [PROPOSED] ORDER
GRANTING PLAINTIFFS' MOTION FOR
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT**

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

1 This matter came on for hearing on April 25, 2023 at 8:30 a.m., in Department 302 of the
2 above-captioned Court on the unopposed Motion for Final Approval of Class Action Settlement
3 pursuant to California Rule of Court 3.769, this Court's Order Granting Preliminary Approval
4 filed November 10, 2022 and the Joint Stipulation Regarding Class Action and PAGA Settlement
5 and Release ("Settlement"), a copy of which was filed in conjunction with the Plaintiff's Motion
6 for Preliminary Approval of Class Action Settlement.

7 Due and adequate notice having been given to the Settlement Class Members, as defined
8 below, and the Court having Considered Plaintiffs' Notice of Motion and Motion for Final Approval
9 of Class Action and PAGA Settlement ("Motion"), the supporting declarations and exhibits thereto,
10 all papers filed and proceedings had herein, and the absence of any written objections received
11 regarding the proposed settlement, and having reviewed the record in the action and good cause
12 appearing,

13 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

- 14 1. The Court, for purposes of this Final Order, refers to all defined terms as set forth in the
15 Settlement.
- 16 2. The Court has jurisdiction over all claims asserted in the Action, Plaintiffs, the Settlement
17 Class Members, and Defendant Trego/Dugan Aviation of Grand Island, Inc. ("Defendant").
- 18 3. The Court finds that the Settlement appears to have been made and entered into in good
19 faith and hereby approves the settlement.
- 20 4. Plaintiffs and all Settlement Class Members, shall have, by operation of this Final Order
21 and Judgment, fully, finally, and forever released, relinquished, and discharged Defendant
22 and the Released Parties from all Released Claims as stated in the Settlement and
23 reproduced below.
- 24 5. The Parties shall bear their own respective attorneys' fees and costs, except as otherwise
25 provided for in the Settlement and approved by the Court.
- 26 6. Solely for purposes of effectuating the Settlement, the Court finally certifies the following
27 Class: All current and former non-exempt employees who performed work in California
28

1 and who were employed by Defendant in California at any time from September 20, 2016
2 through November 19, 2021.

3 7. None of the 211 Class Members have objected to the terms of the Settlement and none of
4 the 211 Class Members have requested exclusion from the Settlement.

5 8. Upon the final approval by the Court of this Settlement and Defendant's payment of all
6 sums due pursuant to this Settlement, and except as to such rights or claims as may be
7 created by this Settlement, the Class Representatives, the Class and each Class Member
8 who has not submitted a valid and timely request for exclusion from the Settlement of Class
9 claims, and each Aggrieved Employee, regardless of whether they have requested
10 exclusion from the Settlement of Class claims, will release claims as follows:

11 a. **Identity of Released Parties.** The Released Parties are Defendant, and each and
12 all of its past and present parent, subsidiary, and affiliated corporations, entities,
13 divisions, general and limited partners, joint venturers and affiliates, and each of
14 their respective current and former directors, officers, managers, employees,
15 principals, members, agents, insurers, reinsurers, shareholders, attorneys,
16 advisors, representatives, general partners, limited partners, joint venturers, and
17 affiliated companies, and each of their respective executors, predecessors,
18 successors, assigns and legal representatives.

19 b. **Class Claims Released by Class Members.** Each and every Class Member, on
20 behalf of himself or herself shall release the Released Parties from all claims that
21 were alleged or could have been alleged based on the facts alleged in the First
22 Amended Complaint in this Action, which arose during the Class Period from
23 September 20, 2016 through November 19, 2021 against the Released Parties. The
24 Released Claims exclude claims for workers' compensation or unemployment
25 insurance benefits. This release will cover all Class Members who did not opt out.

26 c. **PAGA Claims Released by Aggrieved Employees.** All Aggrieved Employees
27 release the Released Parties from all Private Attorneys General Act claims for civil
28 penalties based on the facts alleged in the Operative Complaint in this Action and

the PAGA letter submitted to the LWDA. Aggrieved Employees cannot opt out of this waiver of claims.

9. The Notice provided to the Class conforms with the requirements of California Rules of Court 3.766 and 3.769, and constitutes the best notice practicable under the circumstances, by providing individual notice to all Class Members who could be identified through reasonable effort, and by providing due and adequate notice of the proceedings and of the matters set forth therein to the Class Members. The Notice fully satisfies the requirements of due process.

10. The Court finds the Gross Settlement Fund, the Net Settlement Fund, and the methodology used to calculate and pay each Settlement Class Member's allocation amount are fair and reasonable and authorizes the Settlement Administrator to pay the settlement shares to the Settlement Class Members in the accordance with the terms of the Settlement.

11. Defendant shall pay the total of \$450,000.00 to resolve this litigation. Within 10 court days after the Court signs the Final Order and after the Settlement Administrator has provided wiring information, Defendant shall transfer the Gross Settlement Amount plus Defendant's share of employer-side payroll taxes into a Qualified Settlement Fund established by the Settlement Administrator. Within 10 court days after funding the Settlement Administrator shall mail Settlement payments.

12. From the Gross Settlement Amount \$7,500 shall be paid to the California Labor and Workforce Development Agency, representing 75% of the penalties awarded under the terms of the Settlement pursuant to the Labor Code Private Attorneys General Act of 2004, California Labor Code sections 2698, et seq.

13. The Court hereby approves an incentive payment in the amount of \$10,000 to each Plaintiff for their service as class representatives and for their agreement to a general release of claims.

14. The Court hereby confirms Kashif Haque, Jessica L. Campbell, Samuel A. Wong, and Carolyn M. Bell, of Aegis Law Firm, PC as Class Counsel.

- 1 15. From the Gross Settlement Fund, Class Counsel is awarded \$150,000 for their reasonable
2 attorneys' fees and \$13,563.63 for their reasonable litigation costs incurred in the Action.
3 The fees and costs shall be distributed to Class Counsel as set forth in the Settlement. The
4 Court finds that the fees are reasonable in light of the benefit provided to the Class.
- 5 16. The Court approves Settlement Administration Costs in the amount of \$15,000. Such costs
6 shall be paid from the Gross Settlement fund to ILYM Group, Inc.
- 7 17. The Parties are ordered to have notice of this Order and Judgment sent to all Class Members
8 in accordance with CRC 3.771 (b) along with settlement payments issued via first class
9 mail to all participating Class Members at their last known addresses.
- 10 18. This judgment is intended to be final disposition of the above captioned action in its entirety
11 and is intended to be immediately appealable.
- 12 19. This Court shall retain jurisdiction with respect to all matters related to the administration
13 and consummation of the Settlement, and any and all claims, asserted in, arising out of, or
14 related to the subject matter of the lawsuit, including but not limited to all matter related to
15 the Settlement and determination of all controversies relating thereto.
- 16 20. Plaintiffs' Motion for Final Approval of Class Action Settlement is hereby granted, and the
17 Court directs that Judgment shall be entered in accordance with the terms of this Order.
- 18 21. Plaintiffs' counsel must file a final report and declaration stating the distribution of all
19 settlement funds not later than June 30, 2024. The report must be filed, and a paper courtesy
20 copy must be provided to Department 302 (Judge Richard B. Ulmer, Jr.).

21 **APPROVED AS TO FORM AND CONTENT**

22 **LITTLER MENDELSON, P.C.**

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25 

26 Dated: November 13, 2023

27 Matt Mardesich
28 Attorneys for Defendant Trego/Dugan Aviation of
Grand Island, Inc.

AEGIS LAW FIRM, PC

Dated: November 13, 2023

Carolyn Bell
Carolyn Bell
Attorneys for Plaintiffs Tattiana Bennett Williams
and Janira Pelmore

IT IS SO ORDERED.

DATED: 11/16, 2023 ul
 Honorable Richard B. Ulmer, Jr.
JUDGE OF THE SUPERIOR COURT