

FILED
SUPERIOR COURT
COUNTY OF LAKE

DEC 19 2022

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Deputy Clerk

BY FAX

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Attorneys for Plaintiff Dominique Mitchell
and Proposed Class Counsel

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

DOMINIQUE MITCHELL, on behalf of
herself and all "aggrieved employees"
pursuant to Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

COLEMAN ENVIRONMENTAL
ENGINEERING, INC., a California
corporation, DOES 1 through 10, inclusive,

Defendants.

CASE NO: CV421915

*Assigned to the Honorable Michael S. Lunas
Department 1*

CLASS ACTION

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

DATE: December 19, 2022

TIME: 9:00 a.m.

DEPT.: 1

Action Filed: July 1, 2021

1 Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on December 19, 2022. The above-captioned Action is a class action lawsuit
3 brought by Plaintiff Dominique Mitchell ("Plaintiff" or "Mitchell") against Defendant Coleman
4 Environmental Engineering, Inc. ("Defendant") (all together, the "Parties"). Plaintiff alleges, on
5 behalf of a class of certain of Defendant's current and former employees, that Defendant failed to
6 pay all wages dues; failed to provide compliant meal or rest periods or compensation in lieu thereof;
7 failed to reimburse business-related expenses; failed to comply with itemized wage statement
8 provisions; and failed to timely pay wages due at separation. Defendant denies any and all alleged
9 wrongdoing and denies any liability to Plaintiff or to members of the Class. Defendant contends
10 that it has complied at all times with California law, including the California Labor Code, the
11 Industrial Commission Wage Orders, and the California Business and Professions Code.

12 On August 15, 2022, this Court entered an Order Granting Preliminary Approval of
13 Settlement, resulting in certification of the following provisional Settlement Class: All non-exempt
14 California employees of Defendant from April 21, 2020 through March 24, 2022.

15 On October 6, 2022, this Court entered an Order on the Parties' Joint Stipulation to Continue
16 Hearing on Final Approval of Class Action settlement and Modify Timeline of Events Leading
17 Thereto.

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

25 The Court, upon Notice having been given as required in the Preliminary Approval Order,
26 and having considered the Settlement Agreement and Release of Claims (the "Settlement"), as well
27 as all papers filed, hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:
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1 1. This Court has jurisdiction over the subject matter of the Action and over all Parties
2 to the Action, including all members of the Settlement Class.

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

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

12 4. The Court finds the settlement was entered into in good faith, that the settlement is
13 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable
14 requirements for final approval of this class action settlement under California law, including the
15 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
16 3.769. The Court approves the Maximum Settlement Amount of Four Hundred Twenty-Five
17 Thousand Dollars (\$425,000).

18 5. Zero (0) Class Members have objected to the terms of the Settlement.

19 6. Eight (8) Class Members have requested exclusion from the Settlement.

20 7. Upon entry of this Order, compensation to the Class Members shall be affected
21 pursuant to the terms of the Settlement.

22 8. In addition to any recovery that Plaintiff may receive from the Net Settlement
23 Proceeds, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
24 hereby approves the payment of an Enhancement Payment to Dominique Mitchell in the amount
25 of Twelve Thousand Dollars (\$12,000). This shall be paid from the Maximum Settlement Amount.

26 9. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
27 One Hundred Forty-Eight Thousand Seven Hundred Fifty Dollars (\$148,750), and the
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1 reimbursement of litigation expenses in the sum of Eleven Thousand Seven Hundred Thirty Dollars
2 and Forty-Five Cents (\$11,730.45). This shall be paid from the Maximum Settlement Amount.

3 10. The Court approves and orders payment in the amount of Twelve Thousand Five
4 Hundred Dollars (\$12,500) to Phoenix Settlement Administrators for performance of its settlement
5 administration services. This shall be paid from the Maximum Settlement Amount.

6 11. The Court approves the PAGA Payment and its apportionment among the Class
7 Members, and orders payment in the amount of Seven Thousand Five Hundred Dollars (\$7,500) to
8 the California Labor and Workforce Development Agency for its 75% share of PAGA penalties.
9 This shall be paid from the Maximum Settlement Amount.

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

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

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

18 **IT IS SO ORDERED.**

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20 Dated: 12-19-22

21  Michael S. Lunas
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JUDGE OF THE SUPERIOR COURT