

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – COMPTON COURTHOUSE**

ALBERTO GONSALEZ, individually, and on behalf of other aggrieved employees pursuant to the California Private Attorneys General Act;

Plaintiff,

vs.

CARLTON FORGE WORKS, a California corporation; PRECISION CASTPARTS CORP., an unknown business entity; and DOES 1 through 100, inclusive,

Defendants.

DONALD BENNETT, as an aggrieved employee pursuant to the Private Attorneys General Act (“PAGA”), on behalf of the State of California and other aggrieved employees ,

Plaintiff,

vs.

CARLTON FORGE WORKS, a California corporation; PRECISION CASTPARTS CORP., an Oregon corporation; WYMAN-GORDAN COMPANY, a Massachusetts corporation; and DOES 1 through 10 inclusive,

Defendants.

JAMES PICARELLO, individually, an on behalf of other members of the general public similarly situated;

Plaintiff,

vs.

CARLTON FORGE WORKS, INC., a California corporation; and DOES 1 through 100, inclusive,

Defendants.

Case No.: 21CMCV00141

Honorable Fumiko Wasserman
Department B

**[PROPOSED] FINAL APPROVAL
ORDER AND JUDGMENT**

Reservation ID: Scheduled by Court
Date: March 19, 2024
Time: 8:30 a.m.
Department: B

Gonsalez Action Filed: June 7, 2021
Bennett Action Filed: June 25, 2021
Picarello Action Filed: July 26, 2021
Trial Date: None Set

1 This matter has come before the Honorable Fumiko Wasserman in Department B of the
2 above-entitled Court, located at 200 West Compton Boulevard, Compton, California 90220, on
3 Plaintiffs’ Alberto Gonzalez, James Picarello, and Donald Bennett (together, “Plaintiffs”) Motion
4 for Final Approval of Class Action Settlement, Class Counsel Fees Payment, Class Counsel
5 Litigation Expenses Payment, and Class Representative Service Payments (“Motion for Final
6 Approval”). Lawyers *for* Justice, PC and Capstone Law APC appeared on behalf of Plaintiffs, and
7 Bryan Cave Leighton Paisner, LLP appeared on behalf of Defendants Carlton Forge Works,
8 Carlton Forge Works, Inc., Precision Castparts Corp., and Wyman-Gordon Company (together,
9 “Defendants”).

10 On October 17, 2023, the Court entered the Order Granting Preliminary Approval of Class
11 Action Settlement (“Preliminary Approval Order”), thereby preliminarily approving the settlement
12 of the following consolidated actions: *Alberto Gonzalez v. Carlton Forge Works, et al.*, Los
13 Angeles County Superior Court Case No. 21CMCV00141 (“*Gonzalez Action*”), *Donald Bennett*
14 *v. Carlton Forge Works, et al.*, Los Angeles County Superior Court Case No. 21STCV23764
15 (“*Bennett Action*”), and *James Picarello v. Carlton Forge Works, Inc.*, Los Angeles County
16 Superior Court Case No. 21STCV27273 (“*Picarello Action*”) (together, the “Actions”) in
17 accordance with the Class and PAGA Action Settlement Agreement (“Agreement”), which,
18 together with the exhibits annexed thereto, set forth the terms and conditions for settlement of the
19 Actions.

20 Having reviewed the Settlement Agreement and duly considered the parties’ papers and
21 oral argument, and good cause appearing,

22 **THE COURT HEREBY ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

23 1. All terms used herein shall have the same meaning as defined in the Settlement
24 Agreement and the Preliminary Approval Order.

25 2. This Court has jurisdiction over the claims of the Class Members asserted in this
26 proceeding and over all parties to the Actions.

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1 3. The Court finds that the applicable requirements of California Code of Civil
2 Procedure section 382 and California Rule of Court 3.769, *et seq.* have been satisfied with respect
3 to the Class and the Settlement. The Court hereby makes final its earlier provisional certification
4 of the Class for settlement purposes, as set forth in the Preliminary Approval Order. The Class is
5 hereby defined to include:

6 All current and former non-exempt, hourly-paid employees of Carlton
7 Forge Works, Inc. who worked in California at any time during the Class
8 Period (“Class” or “Class Members”).

9 4. The Court Approved Notice of Class and PAGA Action Settlement and Hearing
10 Date for Final Court Approval (“Class Notice”) that was provided to the Class Members and
11 Aggrieved Employees, fully and accurately informed the Class Members of all material elements
12 of the Settlement and of their opportunity to participate in, object to or comment thereon, or to
13 seek exclusion from, the Class Settlement; was the best notice practicable under the circumstances;
14 was valid, due, and sufficient notice to all Class Members; and complied fully with the laws of the
15 State of California, the United States Constitution, due process and other applicable law. The Class
16 Notice fairly and adequately described the Settlement and provided the Class Members with
adequate instructions and a variety of means to obtain additional information.

17 5. Pursuant to California law, the Court hereby grants final approval of the Settlement
18 and finds that it is reasonable and adequate, and in the best interests of the Class as a whole. More
19 specifically, the Court finds that the Settlement was reached following meaningful discovery and
20 investigation conducted by Lawyers *for* Justice, PC and Capstone Law APC (together, “Class
21 Counsel”); that the Settlement is the result of serious, informed, adversarial, and arms-length
22 negotiations between the parties; and that the terms of the Settlement are in all respects fair,
23 adequate, and reasonable. In so finding, the Court has considered all of the evidence presented,
24 including evidence regarding the strength of Plaintiffs’ claims; the risk, expense, and complexity
25 of the claims presented; the likely duration of further litigation; the amount offered in the
26 Settlement; the extent of investigation and discovery completed; and the experience and views of
27 Class Counsel. The Court has further considered the absence of objections to the Class Settlement
28 and Requests for Exclusion to the Class Settlement submitted by Class Members. Accordingly,

1 the Court hereby directs that the Settlement be affected in accordance with the Settlement
2 Agreement and the following terms and conditions.

3 6. A full opportunity has been afforded to the Class Members to participate in the
4 Final Approval Hearing, and all Class Members and other persons wishing to be heard have been
5 heard. The Class Members also have had a full and fair opportunity to exclude themselves from
6 the Class Settlement. Accordingly, the Court determines that all Class Members who did not
7 submit a valid and timely Request for Exclusion from the Class Settlement (“Participating Class
8 Members”) are bound by the Class Settlement and by this order and judgment (“Final Approval
9 Order and Judgment”), and the State of California and all current and former non-exempt, hourly-
10 paid employees of Carlton Forge Works, Inc. who worked in California at any time during the
11 PAGA Period (“Aggrieved Employees”) are bound by the PAGA Settlement and this Final
12 Approval Order and Judgment.

13 7. The Court finds that allocation of \$200,000.00 toward penalties under the
14 California Private Attorneys General Act of 2004 (“PAGA Penalties”), is fair, reasonable, and
15 appropriate, and hereby approved. The Administrator shall distribute the PAGA Penalties as
16 follows: the amount of \$150,000.00 to the California Labor and Workforce Development Agency
17 (“LWDA PAGA Payment”), and the amount of \$50,000.00 to be distributed to the Aggrieved
18 Employees on a *pro rata* basis (i.e., Individual PAGA Payment), in accordance with the terms and
19 methodology set forth in the Agreement.

20 8. The Court finds that payment of Administration Expenses Payment in the amount
21 of \$9,389.00 is appropriate for the services performed and costs incurred and to be incurred for the
22 notice and settlement administration process. It is hereby ordered that the Administrator, Simpluris
23 Inc., shall issue payment to itself in the amount of \$9,389.00, in accordance with the terms and
24 methodology set forth in the Agreement.

25 9. The Court finds that the Class Representative Service Payments sought are fair and
26 reasonable for the work performed by Plaintiffs on behalf of the Class, the State of California, and
27 Aggrieved Employees. It is hereby ordered that the Administrator issue payment in the amount of
28 \$10,000.00 each to Plaintiffs Alberto Gonzalez, James Picarello, and Donald Bennett for their

1 Class Representative Service Payments, according to the terms and methodology set forth in the
2 Agreement.

3 10. The Court finds that the request for attorneys' fees in the amount of \$647,500.00 to
4 Class Counsel falls within the range of reasonableness, and the results achieved justify the award
5 sought. The requested attorneys' fees to Class Counsel are fair, reasonable, and appropriate, and
6 are hereby approved. It is hereby ordered that the Administrator issue payment in the amount of
7 \$647,500.00 to Class Counsel for attorneys' fees, in accordance with the terms and methodology
8 set forth in the Agreement, as follows: \$453,250.00 to Lawyers *for* Justice, PC and \$194,250.00
9 to Capstone Law APC.

10 11. The Court finds that reimbursement of litigation costs and expenses in the amount
11 of \$16,500.85 to Class Counsel is reasonable, and hereby approved. It is hereby ordered that the
12 Administrator issue payment in the amount of \$16,500.85 to Class Counsel for reimbursement of
13 litigation costs and expenses, in accordance with the terms and methodology set forth in the
14 Agreement, as follows: \$12,744.86 to Lawyers *for* Justice, PC and \$3,755.99 to Capstone Law
15 APC.

16 12. The Court hereby enters Judgment by which Participating Class Members shall be
17 conclusively determined to have given a release of any and all Released Class Claims against the
18 Released Parties, and all Aggrieved Employees shall be conclusively determined to have given a
19 release of any and all Released PAGA Claims against the Released Parties, as set forth in the
20 Agreement and Class Notice.

21 13. It is hereby ordered that Defendants shall fully fund the Gross Settlement Amount
22 of \$1,850,000.00, and also fund the amounts necessary to fully pay Defendants' share of payroll
23 taxes by transmitting the funds to the Administrator no later than fifteen (15) business days after
24 the Effective Date, in accordance with the terms and methodology set forth in the Agreement.

25 14. It is hereby ordered that within seven (7) business days after Defendants fund the
26 Gross Settlement Amount, the Administrator will mail checks for all Individual Settlement
27 Payments, all Individual PAGA Payments, the LWDA PAGA Payment, the Administration
28 Expenses Payment, the Class Counsel Fees Payment, the Class Counsel Litigation Expenses

1 Payments, and the Class Representative Service Payments, in accordance with the terms and
2 methodology set forth in the Agreement.

3 15. Each check issued to a Settlement Class Member and/or Aggrieved Employee for
4 his or her Individual Settlement Payment and/or Individual PAGA Payment shall be negotiable for
5 one hundred eighty (180) calendar days after the date of mailing, and thereafter will be canceled.
6 The funds associated with such canceled checks will be transmitted by the Administrator to the
7 California Controller's Unclaimed Property Fund in the name of the Participating Class Member
8 and/or Aggrieved Employee whose check is canceled and in the respective amount of the canceled
9 check. Participating Class Members whose Individual Settlement Payment checks are cancelled
10 shall, nevertheless, be bound to the Class Settlement. Aggrieved Employees whose Individual
11 PAGA Payment checks are cancelled shall, nevertheless, be bound to the PAGA Settlement.

12 16. After entry of this Final Approval Order and Judgment, pursuant to California Rules
13 of Court, Rule 3.769(h), the Court shall retain jurisdiction to construe, interpret, implement, and
14 enforce the Settlement Agreement and this Final Approval Order and Judgment, to hear and
15 resolve any contested challenge to a claim for settlement benefits, and to supervise and adjudicate
16 any dispute arising from or in connection with the distribution of settlement benefits.

17 17. Notice of entry of this Final Approval Order and Judgment shall be given to the
18 Participating Class Members and Aggrieved Employees by posting a copy of the Final Approval
19 Order and Judgment on the Settlement Administrator's website for a period of at least sixty (60)
20 calendar days after the date of entry of this Final Approval Order and Judgment. Individualized
21 notice is not required.

22 18. A Final Compliance Hearing is set for _____ at _____
23 a.m/p.m. in Department B. Class Counsel shall submit a final accounting report regarding the
24 status of the settlement administration at least five (5) court days prior to the Final Compliance
25 Hearing.

26
27 Dated: _____

28 Honorable Fumiko Wasserman
Judge of the Superior Court