

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: NAME: Larry W. Lee (SBN 228175) / Nicholas Rosenthal (SBN 268297) FIRM NAME: DIVERSITY LAW GROUP STREET ADDRESS: 515 S. Figueroa Street, Suite 1250 CITY: Los Angeles STATE: CA ZIP CODE: 90071 TELEPHONE NO.: (213) 488-6555 FAX NO.: (213) 488-6554 E-MAIL ADDRESS: ATTORNEY FOR (name): Plaintiff Melissa Moss	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE STREET ADDRESS: 751 West Santa Ana Boulevard MAILING ADDRESS: CITY AND ZIP CODE: Santa Ana, California 92701 BRANCH NAME: Civil Complex Center	
PLAINTIFF/PETITIONER: Melissa Moss DEFENDANT/RESPONDENT: Sares Regis Operating Company, L.P. OTHER:	CASE NUMBER: 30-2021-01201041-CU-OE-CX
PROPOSED ORDER (COVER SHEET)	JUDICIAL OFFICER: Hon. Williams Cluster DEPT: CX104

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Melissa Moss

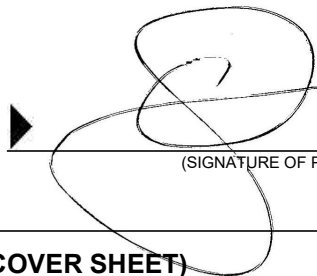
2. Title of the proposed order:
[Proposed] Order Granting Plaintiff's Motion for Final Approval of Class Action Settlement and Judgment

3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Motion for Final Approval of Class Action Settlement
 - b. Date and time: May 5, 2023; 9:00 a.m.
 - c. Place: 751 West Santa Ana Boulevard, Santa Ana, California 92701

4. The proposed order was served on the other parties in the case.

Kristen Agnew

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:

Moss v. Sares Regis Operating Company, L.P.

CASE NUMBER:

30-2021-01201041-CU-OE-CX

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):

515 S. Figueroa Street, Suite 1250, Los Angeles, CA 90071

b. My electronic service address is (*specify*): erika@diversitylaw.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):
See attached Proof of Service

b. To (*electronic service address of person served*):

c. On (*date*):

☐ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 4/13/2023

Erika Meia

(TYPE OR PRINT NAME OF DECLARANT)


(SIGNATURE OF DECLARANT)

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
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Attorneys for Plaintiff, the Class, and Aggrieved Employees

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

MELISSA MOSS, as an individual and on
behalf of all others similarly situated,

Plaintiffs,

vs.

SARES REGIS OPERATING COMPANY,
L.P.; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 30-2021-01201041-CU-OE-CXC

[Assigned for all purposes to the Hon. William
Claster, in Department CX104]

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

Date: May 5, 2023

Time: 9:00 a.m.

Dept.: CX104

Complaint Filed: May 17, 2021

FAC Filed: August 16, 2021

SAC Filed: June 21, 2022

Trial Date: None Set

1 Plaintiff Melissa Moss (“Plaintiff” or “Moss”), and the settling Defendant Sares Regis
2 Operating Company, L.P. (“Defendant”) (together, the “Parties”) have entered into the Joint
3 Stipulation of Class Action and PAGA Settlement and Release of Claims (“Stipulation” or
4 “Settlement Agreement”) to settle the above-captioned class action subject to the Court’s
5 approval (the “Settlement”).

6 This matter is now before the Court on Plaintiff’s Motion for Final Approval of Class
7 Action Settlement [ROA 112], including approval of payment to the Class Representative and
8 Class Counsel’s application for attorneys’ fees and costs. The Court has read, heard, and
9 considered all the pleadings and documents submitted, and the presentations made in connection
10 with the Motion which came on for hearing on May 5, 2023.

11 **I. BACKGROUND**

12 On May 17, 2021, Plaintiff filed a complaint against Defendant in the Superior Court of
13 the State of California for the County of Orange on behalf of herself and all similarly situated
14 employees (the “Action”). [ROA 2.] Plaintiff subsequently amended her complaint on August
15 16, 2021, and again on June 10, 2022. The second amended complaint is the operative Complaint
16 (“Complaint”). [ROA 77.]

17 The second amended complaint alleges class and representative action claims for: (1)
18 violation of Labor Code §§ 201, 202, and 203; (2) violation of Labor Code § 226.7; (3) violation
19 of Business and Professions Code § 17200, *et seq.*; and (4) violation of Labor Code § 2698, *et*
20 *seq.* Specifically, Plaintiff alleged that Defendant failed to incorporate non-discretionary wages
21 into the regular rate of pay for the purposes of paying meal and rest break premium pay and
22 issued final wages on a paycard without written authorization.

23 **A. Class Members**

24 The “Class Members” are defined as “all individuals who worked for SRG as an hourly
25 or non-exempt employee in the State of California from May 7, 2019 to July 8, 2021 (the “Class
26 Period”), and who either (a) earned non-discretionary incentive wages and received a meal or
27 rest period premium during the same workweek at any time during the Class Period (“Meal/Rest
28 Class Members”); or who were paid final wages (upon separation of employment) via a paycard

1 at any time during the Class Period (“Paycard Class Members”).”

2 **B. Operation of the Settlement**

3 Pursuant to the Preliminary Approval Order dated November 15, 2022 [ROA 114], this
4 Court conditionally certified the Class and granted preliminary approval to the Settlement. The
5 Preliminary Approval Order also approved of the proposed form of notice and notice plan. The
6 Court entered the Preliminary Approval Order after review and consideration of all of the
7 pleadings filed in connection herewith.

8 In compliance with the Preliminary Approval Order, the Notice of Proposed Class Action
9 Settlement (“Class Notice”) was sent to all Class Members via first class mail. The notice
10 process was timely completed.

11 This Court finds that the Settlement appears to be the product of serious, informed, non-
12 collusive negotiations, has no obvious deficiencies, and does not improperly grant preferential
13 treatment to any individuals. The Court finds that the Settlement was entered into in good faith
14 pursuant to California Code of Civil Procedure § 877.6. The Court further finds that the
15 Settlement is fair, reasonable, and adequate and that Plaintiff has satisfied the standards for final
16 approval of a class action settlement under California law. Under the provisions of California
17 Code of Civil Procedure § 382 and Federal Rule of Civil Procedure 23, as approved for use by
18 the California state court in *Vasquez v. Superior Court*, 4 Cal. 3d 800, 821 (1971), the trial court
19 has discretion to certify a class where:

20 [Q]uestions of law or fact common to the members of the class
21 predominate over any questions affecting only individual members,
22 and that a class action is superior to the available methods for the
23 fair and efficient adjudication of the controversy...Fed. R. Civ.
Proc. 23.

24 Certification of a settlement class is the appropriate judicial device under these
25 circumstances.

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1 Based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS
2 FOLLOWS:

3 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the
4 Settlement Agreement filed in this case.

5 2. The Court has jurisdiction over the subject matter of the litigation, the Class
6 Representative, Settlement Class Members, and Defendant.

7 3. The Court finds that the dissemination of the Class Notice as disseminated to the
8 Class Members, constituted the best notice practicable under the circumstances to all Persons
9 within the definition of the Class, and fully met the requirements of California law and due
10 process under the United States Constitution.

11 4. The Court approves the Settlement of the above-captioned action, as set forth in
12 the Settlement Agreement, as fair, just, reasonable, and adequate as to the Parties. The Parties are
13 directed to perform in accordance with the terms set forth in the Settlement Agreement.

14 5. Except as otherwise provided in the Settlement Agreement, the Parties are to bear
15 their own costs and attorneys' fees.

16 6. The Court hereby certifies the following Class for settlement purposes only: all
17 individuals who worked for SRG as an hourly or non-exempt employee in the State of California
18 from May 7, 2019 to July 8, 2021 (the "Class Period"), and who either (a) earned non-
19 discretionary incentive wages and received a meal or rest period premium during the same
20 workweek at any time during the Class Period ("Meal/Rest Class Members"); or who were paid
21 final wages (upon separation of employment) via a paycard at any time during the Class Period
22 ("Paycard Class Members").

23 7. With respect to the Class and for purposes of approving the settlement only and
24 for no other purpose, this Court finds and concludes that: (a) the members of the Class are
25 ascertainable and so numerous that joinder of all members is impracticable; (b) there are
26 questions of law or fact common to the Class, and there is a well-defined community of interest
27 among Members of the Class with respect to the subject matter of the claims in the Litigation; (c)
28 the claims of Class Representative are typical of the claims of the members of the Class; (d) the

1 Class Representative has fairly and adequately protected the interests of the members of the
2 Class; (e) a class action is superior to other available methods for an efficient adjudication of this
3 controversy; and (f) the counsel of record for the Class Representative, *i.e.*, Class Counsel, are
4 qualified to serve as counsel for the Plaintiff in her individual and representative capacity and for
5 the Class.

6 8. Defendant shall fund \$212,500.00 of the Maximum Settlement Amount, pursuant
7 to the terms of the Settlement Agreement.

8 9. The Court approves the Settlement Share payments, which shall be distributed
9 pursuant to the terms of the Settlement Agreement.

10 10. Defendant shall pay (a) to Class Counsel attorneys' fees in the amount of
11 \$70,762.50 and reimbursement of costs in the amount of \$11,125.35; (b) an award to the Class
12 Representative Melissa Moss to reimburse her for her unique services in the following amount:
13 \$10,000.00; (c) the sum of \$5,625.00 to be paid to the California Labor & Workforce
14 Development Agency for PAGA penalties; and (d) \$7,500.00 to the Claims Administrator,
15 Phoenix Settlement Administrators, for its fees and costs relating to the claims administration
16 process. The Court finds that these amounts are fair and reasonable. Defendant is directed to
17 make such payments in accordance with the terms of the Settlement Agreement.

18 11. Class Members will be provided with notice of the instant Judgment via an insert
19 included with the settlement check stating: "The Court has granted final approval of the
20 settlement in the matter of *Melissa Moss v. Sares Regis Operating Company, L.P.*, Orange
21 County Superior Court Case No. 30-2021-01201041-CU-OE-CXC. You previously received
22 notice that you are a Class Member in this matter and were given the opportunity to opt-out. As
23 you did not choose to opt-out, enclosed please find your share of the settlement."

24 12. The Court hereby enters final judgment in this case in accordance with the terms
25 of the Settlement, Preliminary Approval Order, and this Order. Without affecting the finality of
26 the Settlement or Judgment entered, this Court shall retain exclusive and continuing jurisdiction
27 over the action and the Parties, including all Settlement Class Members, for purposes of
28 enforcing and interpreting this Order and the Settlement.

1 IT IS SO ORDERED AND ADJUDGED.

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3 DATED: _____

4 HON. WILLIAM CLASTER
5 SUPERIOR COURT OF CALIFORNIA
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