

FILED
2022 SEP 20 AM 11:42
CLERK OF THE SUPERIOR COURT
BY *Rachael Aguilar*
DEPUTY

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
EVAN S. GAINES, ESQ. SBN 287668
evan@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Lorenzo Calleros
and Proposed Class Counsel

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

LORENZO CALLEROS, on behalf of
himself and all "aggrieved employees"
pursuant to Labor Code § 2698 et seq.

Plaintiff,

v.

DIAL GENERAL ENGINEERING, a
California general partnership, and DOES
1 through 10, inclusive,

Defendants.

CASE NO: 22CV-00720

*Assigned to the Honorable Brian McCabe,
Department 8*

CLASS ACTION

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

DATE: September 20, 2022

TIME: 8:15 a.m.

DEPT.: 8

Action Filed: March 1, 2022

Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came before this Court on September 20, 2022. The above-captioned Action is a class action lawsuit brought by Plaintiff Lorenzo Calleros ("Plaintiff" or "Calleros") against Defendant Dial General Engineering ("Defendant") (all together, the "Parties"). Plaintiff alleges, on behalf of a class of certain of Defendant's current and former employees, that Defendant failed to comply with itemized wage statement provisions. Defendant denies any and all alleged wrongdoing and denies any liability to Plaintiff or to members of the Class. Defendant contends that that it has complied at all times with California law, including the California Labor Code, the Industrial Commission Wage Orders, and the California Business and Professions Code.

On June 2, 2022, this Court entered an Order Granting Preliminary Approval of Settlement, resulting in certification of the following provisional Settlement Class: All current and former non-exempt California employees of Defendant employed at any time from August 23, 2020 through March 26, 2022.

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

The Court, upon Notice having been given as required in the Preliminary Approval Order, and having considered the Settlement Agreement and Release of Claims (the "Settlement"), as well as all papers filed, hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

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

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

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

8 4. The Court finds the settlement was entered into in good faith, that the settlement is
9 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable
10 requirements for final approval of this class action settlement under California law, including the
11 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
12 3.769. The Court approves the Maximum Settlement Amount of One Hundred Thirty-Five
13 Thousand Dollars (\$135,000).

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

15 6. One (1) Class Member has requested exclusion from the Settlement.

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

18 8. In addition to any recovery that Plaintiff may receive from the Net Settlement
19 Proceeds, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
20 hereby approves the payment of an Enhancement Payment to Lorenzo Calleros in the amount of
21 Twenty Thousand Dollars (\$20,000). This shall be paid from the Maximum Settlement Amount.

22 9. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
23 Forty-Seven Thousand Two Hundred Fifty Dollars (\$47,250), and the reimbursement of litigation
24 expenses in the sum of Nine Thousand One Hundred Fifty-Five Dollars and Thirty-Eight Cents
25 (\$9,155.38). This shall be paid from the Maximum Settlement Amount.

1 10. The Court approves and orders payment in the amount of Three Thousand Dollars
2 (\$3,000) to Simpluris, Inc. for performance of its settlement administration services. This shall be
3 paid from the Maximum Settlement Amount.

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

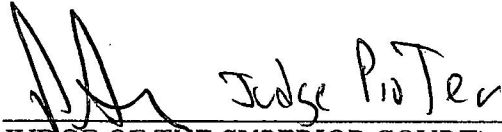
8 12. Upon the entry of this Order and Judgment, Plaintiff and all Class Members shall be
9 bound by the releases of claims as set forth in the Settlement.

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

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

16 **IT IS SO ORDERED.**

17
18 Dated: 9-20-21


JUDGE OF THE SUPERIOR COURT