

FILED
Superior Court of California
County of Los Angeles

JUN 14 2023

David W. Slayton, Executive Officer/Clerk of Court

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Attorneys for Plaintiff Ethan Troupe
and Proposed Class Counsel

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ETHAN TROUPE, on behalf of himself
and all "aggrieved employees" pursuant to
Labor Code § 2698 *et seq.*,

Plaintiffs,

v.

AZURELITE, INC., a California
corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 21CMCV00282

Jumiko
Assigned to the Honorable ~~Eukimo~~ Wasserman,
Dept. B

CLASS ACTION

**[AMENDED PROPOSED] ORDER AND
JUDGMENT GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND DISMISSING THE
CROSS-COMPLAINT FILED BY
AZURELITE, INC. AGAINST ETHAN
TROUPE WITH PREJUDICE**

DATE: June 8, 2023

TIME: 8:30 a.m.

DEPT.: B

Action Filed: October 28, 2021

1 Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on June 8, 2023. The above-captioned Action is a class action lawsuit brought
3 by Plaintiff Ethan Troupe ("Plaintiff") against Defendant Azurelite, Inc. ("Defendant")
4 (collectively, the "Parties"). Plaintiff alleges, on behalf of a class of certain of Defendant's current
5 and former employees, that Defendant failed to pay all wages, failed to provide meal and rest
6 periods or compensation in lieu thereof, failed to reimburse business expenses, failed to pay wages
7 due timely upon separation of employment, and failed to comply with itemized wage statement
8 provisions. Defendant denies any and all alleged wrongdoing and denies any liability to Plaintiff
9 or to members of the Class. Defendant contends that that it has complied at all times with California
10 law, including the California Labor Code, the Industrial Commission Wage Orders, and the
11 California Business and Professions Code.

12 On March 10, 2023, the Honorable George F. Bird, Jr. entered an Order Granting
13 Preliminary Approval of Settlement, resulting in certification of the following provisional
14 Settlement Class: all persons employed by Defendant, Azurelite, Inc. ("Defendant"), in California
15 and classified as nonexempt employees who worked for Defendant during the Class Period
16 [October 5, 2018 to November 5, 2022].

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

24 The Court, upon Notice having been given as required in the Preliminary Approval Order,
25 and having considered the Class Action and PAGA Settlement Agreement (the "Settlement"), as
26 well as all papers filed, hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:
27

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.

3. The Notice provided to the Settlement Class conforms with the requirements of California Code of Civil Procedure section 382, California Civil Code section 1781, California Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other applicable law, 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 satisfied the requirements of due process.

4. The Court finds the settlement was entered into in good faith, that the Settlement is fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable requirements for final approval of this class action settlement under California law, including the provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule 3.769. The Court approves the Gross Settlement Amount of One Hundred and Fifty Thousand Dollars (\$150,000).

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

6. Zero (0) Class Members have requested exclusion from the Settlement.

7. Upon entry of this Order, compensation to the Class Members and Aggrieved Employees shall be affected pursuant to the terms of the Settlement.

8. In addition to any recovery that Plaintiff may receive from the Net Settlement Amount, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court hereby approves the payment of Class Representative Service Payment to Plaintiff Ethan Troupe in the amount of Ten Thousand Dollars (\$10,000). This shall be paid from the Gross Settlement Amount.

1 9. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
2 Sixty-Five Thousand Seventy Dollars (\$65,070), and the reimbursement of litigation expenses in
3 the sum of Ten Thousand One Hundred Thirty-Five Dollars and Eighty-Five Cents (\$10,135.85).
4 This shall be paid from the Gross Settlement Amount.

5 10. The Court approves and orders payment in the amount of Eleven Thousand Dollars
6 (\$11,000) to Phoenix Class Action Administration Solutions for performance of its settlement
7 administration services. This shall be paid from the Gross Settlement Amount.

8 11. The Court approves and orders payment in the amount of Eleven Thousand Two
9 Hundred Fifty Dollars (\$11,250) to the California Labor and Workforce Development Agency for
10 its 75% share of PAGA penalties, and Three Thousand Seven Hundred Fifty Dollars (\$3,750) to
11 the Aggrieved Employees. This shall be paid from the Gross Settlement Amount.

12 12. Upon the entry of this Order and Judgment, Plaintiff, Aggrieved Employees, and all
13 Class Members who did not exclude themselves from the Settlement shall be bound by the release
14 of claims as set forth in the Settlement.

15 13. The Cross-Complaint filed by Azurelite, Inc. against Ethan Troupe is hereby
16 DISMISSED WITH PREJUDICE, with all Parties to bear their own attorneys' fees and costs except
17 as expressly authorized by the Settlement and this Order and Judgment.

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

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

24 **IT IS SO ORDERED.**

25
26 Dated: 6-14-23

Fumiko H. Wasserman
JUDGE OF THE SUPERIOR COURT

FUMIKO H. WASSERMAN

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PROOF OF SERVICE AND CERTIFICATION

I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action; my business address is 4550 East Thousand Oaks Boulevard, Suite 100, Westlake Village, CA 91362.

____ (For messenger) my business address is:

On June 8, 2023, I served the foregoing document described [AMENDED PROPOSED] ORDER AND JUDGMENT GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND DISMISSING THE CROSS-COMPLAINT FILED BY AZURELITE, INC. AGAINST ETHAN TROUPE WITH PREJUDICE on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

MATTHEW B. GOLPER, ESQ.
DANIEL J. CORBETT, ESQ.
BALLARD ROSENBERG GOLPER & SAVITT, LLP
15760 Ventura Boulevard, Eighteenth Floor
Encino, California 91436

 X (BY ☒ U.S. MAIL/ BY ☐ CERTIFIED MAIL, RETURN RECEIPT REQUESTED) The sealed envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with United States postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

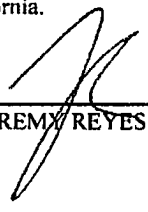
____ (BY FEDERAL EXPRESS OR OTHER OVERNIGHT SERVICE) I deposited the sealed envelope in a box or other facility regularly maintained by the express service carrier or delivered the sealed envelope to an authorized carrier or driver authorized by the express carrier to receive documents.

____ (BY ELECTRONIC SERVICE) The above-stated document was submitted for service by electronic transmission via email on the counsel of record listed above.

I certify that the above document was printed on recycled paper.

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

Executed on June 8, 2023, at Westlake Village, California.



JEREMY REYES