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11 and Proposed Class Counsel

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF EL DORADO**

14 LEONIDES TREJO, on behalf of himself
15 and all "aggrieved employees" pursuant to
16 Labor Code § 2698 *et seq.*,

17 Plaintiffs,

18 v.

19 RESCUE ELECTRIC CORPORATION, a
20 California corporation, and DOES 1
21 through 10, inclusive,

22 Defendants.

CASE NO: 21CV0106

Assigned to the Hon. Dylan Sullivan, Dept. 9

CLASS & PAGA ACTION

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

Date: January 26, 2024

Time: 8:30 a.m.

Dept.: 9

Complaint Filed: November 4, 2021

RECEIVED

JAN 17 2024

**EL DORADO CO.
SUPERIOR COURT**

EL DORADO CO. SUPERIOR CT.

FILED JAN 26 2024

BY

Deputy

By Fax

1 Plaintiff's Motion for an Order Granting Final Approval of the proposed Class and PAGA
2 Action Settlement came before this Court on January 26, 2024. The above-captioned Action is a
3 class action lawsuit brought by Plaintiff Leonides Trejo ("Trejo" or "Plaintiff") against Defendant
4 Rescue Electric Corporation ("Defendant") (collectively, the "Parties"). Plaintiff alleges, on behalf
5 of a class of Defendant's current and former employees, that Defendant failed to pay all wages
6 (including but not limited to minimum wage, overtime, double time, sick pay, and other
7 remuneration) due, failed to provide meal and rest periods or compensation in lieu thereof, failed
8 to reimburse expenses, failed to pay wages due timely upon separation of employment, and failed
9 to comply with itemized wage statement provisions. Defendant denies any and all alleged
10 wrongdoing and denies any liability to the Plaintiff or to members of the Settlement Class.
11 Defendant contends that that it has complied at all times with California law, including the
12 California Labor Code, the Industrial Commission Wage Orders, and the California Business and
13 Professions Code.

14 On October 13, 2023, this Court entered an Order Granting Preliminary Approval of
15 Settlement, resulting in certification of the following provisional Settlement Class: "[A]ll
16 California employees who were employed by Defendant during the Class Period." The Settlement
17 Class is composed of two subclasses, the Exempt Employee Subclass and the Non-Exempt
18 Employee Subclass.

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

1 The Court, upon Notice having been given as required in the Preliminary Approval Order,
2 and having considered the Joint Stipulation for Class and PAGA Representative Action Settlement
3 and Release, as well as all papers filed, hereby ORDERS, ADJUDGES AND DECREES AS
4 FOLLOWS:

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

7 2. The Court finds that the Settlement Class and its two subclasses are properly
8 certified for settlement purposes only.

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

16 4. The Court finds the settlement was entered into in good faith, that the settlement is
17 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable
18 requirements for final approval of this class action settlement under California law, including the
19 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
20 3.769.

21 5. The Court approves the Gross Fund settlement amount of One Million Three
22 Hundred Eighty-Five Thousand Dollars (\$1,385,000).

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

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

25 8. Upon entry of this Order, compensation to the participating members of the
26 Settlement Class shall be affected pursuant to the terms of the Settlement Agreement.

1 9. In addition to any recovery that Plaintiff may receive from the Net Class Settlement
2 Amount, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
3 hereby approves the payment of a Class/PAGA Representative Enhancement Payment to Plaintiff
4 Leonides Trejo in the amount of Fifteen Thousand Dollars (\$15,000). This shall be paid from the
5 Gross Fund.

6 10. The Court approves the payment of attorneys' fees to Class Counsel, Gaines &
7 Gaines, APLC, in the sum of Four Hundred Eighty-Four Thousand Seven Hundred Fifty Dollars
8 (\$484,750), and the reimbursement of litigation expenses in the sum of Nine Thousand Five
9 Hundred Forty-Eight Dollars and Nine Cents (\$9,548.09). This shall be paid from the Gross Fund.

10 11. The Court approves and orders payment in the amount of Eighteen Thousand Seven
11 Hundred Fifty Dollars (\$18,750) to Phoenix Settlement Administrators for performance of its
12 settlement administration services. This shall be paid from the Gross Fund.

13 12. The Court approves and orders payment in the amount of Thirty-Seven Thousand
14 Five Hundred Dollars (\$37,500) to the California Labor and Workforce Development Agency for
15 its 75% share of PAGA penalties. This shall be paid from the Gross Fund.

16 13. Upon the entry of this Order and Judgment, and subject to the occurrence of the
17 Effective Date, Plaintiff, all participating Settlement Class Members and alleged Aggrieved
18 Employees shall be bound by the Released Claims set forth in the Settlement Agreement.

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

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

25 **IT IS SO ORDERED.**

26
27 Dated: 1/26/24

28 
JUDGE OF THE SUPERIOR COURT
GARY SLOSSBERG