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

MARCOS SEGURA and MIGUEL SEGURA,
individually, and on behalf of all others similarly
situated,

Plaintiffs,

vs.

E.B. STONE & SON, INC., a California
corporation; and DOES 1 through 10, inclusive,

Defendants

Case No.: FCS056951

CLASS AND REPRESENTATIVE ACTION

[Assigned for all purposes to the Honorable Tim
P. Kam, Department 22]

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS AND PAGA
ACTION SETTLEMENT**

FINAL APPROVAL HEARING

Date: November 1, 2024
Time: 9:00 a.m.
Department: 22

Action Filed: August 10, 2021
Trial Date: Not Set

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 Plaintiffs Marcos Segura and Miguel Segura (“Plaintiffs”) and Defendant E.B. Stone & Son, Inc.
3 (“Defendant”) have reached terms of settlement for a putative class action (Plaintiffs and Defendant are
4 collectively referred to as the “Parties”).

5 Plaintiffs have filed a motion for final approval of a class action settlement of the claims asserted
6 against Defendant in this action, memorialized in the JOINT STIPULATION OF SETTLEMENT OF
7 CLASS AND PAGA ACTION SETTLEMENT AGREEMENT (see Declaration of Kane Moon In
8 Support of Plaintiff’s Motion for Final Approval of Class and PAGA Action Settlement [“Moon Decl.”],
9 at Exh. 1), referred to herein as the “Agreement” or “Settlement.”

10 After reviewing the Agreement, the Notice process, and other related documents, and having heard
11 the argument of Counsel for respective parties, **IT IS HEREBY ORDERED AS FOLLOWS:**

12 1. The Court finds that the terms of the proposed Settlement are fair, reasonable, and
13 adequate, pursuant to California Code of Civil Procedure § 382. In granting final approval of the class
14 action settlement the Court has considered the factors identified in *Dunk v. Ford Motor Co.*, 48 Cal. App.
15 4th 1794 (1996), as approved in *Wershba v. Apple Computer, Inc.*, 91 Cal. App. 4th 224 (2001) and *In*
16 *re Microsoft IV Cases*, 135 Cal. App. 4th 706 (2006).

17 2. The Court finds that the Settlement has been reached as a result of intensive, serious and
18 non-collusive arms-length negotiations. The Court further finds that the Parties have conducted thorough
19 investigation and research, and the attorneys for the parties are able to reasonably evaluate their respective
20 positions. The Court also finds that settlement at this time will avoid additional substantial costs, as well
21 as avoid the delay and risks that would be presented by the further prosecution of the action. The Court
22 finds that the risks of further prosecution are substantial.

23 3. The Parties’ Settlement is granted final approval as it meets the criteria for final settlement
24 approval. The settlement falls within the range of possible approval as fair, adequate and reasonable, and
25 appears to be the product of arm’s-length and informed negotiations and to treat all Class Members fairly.
26 No Class Members have requested to be excluded from the Settlement, and no Class Members have
27 objected in writing to the Settlement. The Class meets the requirements for conditional certification for
28 settlement purposes only under Code of Civil Procedure § 382.

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

8 5. The following persons are certified as Class Members solely for the purpose of entering
9 a settlement in this matter:

10 All persons who worked for Defendant in California as hourly, nonexempt non-
11 driver employees during the Class Period. The Class Period means the period
12 from August 10, 2017, to January 1, 2024.

13 6. Plaintiffs Marcos Segura and Miguel Segura are appointed the Class Representatives.
14 The Court finds Plaintiffs’ Counsel are adequate, as they are experienced in wage and hour class action
15 litigation and have no conflicts of interest with absent Class Members, and that they adequately
16 represented the interests of absent Class Members in the litigation. Kane Moon and Lilit Ter-
17 Astvatsatryan of Moon Law Group, PC, are appointed Class Counsel.

18 7. The Court appoints Phoenix Class Action Administration Solutions to act as the
19 “Settlement Administrator,” pursuant to the terms set forth in the Agreement.

20 8. Upon entry of this Final Approval Order and the associated Judgment, funding of the
21 Settlement and compensation to the Class Members shall be implemented pursuant to the terms of the
22 Settlement.

23 9. In addition to any recovery that the Plaintiffs may receive under the Settlement as a Class
24 Member, and in recognition of the Plaintiffs’ efforts on behalf of the Class, the Court hereby approves the
25 payment of a service payment to Plaintiffs in the amount of **\$7,500.00** each.

26 10. The Court approves the payment of attorneys’ fees to Class Counsel Moon Law Group,
27 PC, in the amount of **\$218,729.00**.
28

1 11. Litigation expenses are approved by the Court in the following amount: **\$16,983.50** is
2 awarded to Moon Law Group, PC.

3 12. The Court approves and orders payment in the amount of **\$7,000.00** to Phoenix Class
4 Action Administration Solutions for performance of its services as the Settlement Administrator, as set
5 forth in the Notice.

6 13. Upon completion of administration of the Settlement, the Parties shall file a declaration
7 stating that all amounts payable under the Settlement have been paid and that the terms of the Settlement
8 have been completed.

9 14. The Court sets a non-appearance case review hearing regarding compliance with all fund
10 distribution requirements under the Settlement _____at _____ a.m./p.m., in
11 Department 22 of the above-entitled Court. A declaration from the Settlement Administrator regarding
12 compliance shall be filed with the Court no later than five days before the non-appearance case review.
13 No appearance by the Parties is required at the Order to Show Cause hearing if the Settlement
14 Administrator's declaration is timely filed and the Settlement Administrator reports that all of the
15 distributions under the Settlement are complete and, if needed, an Amended Judgment is submitted to
16 address distribution of any unclaimed funds in compliance with California Code of Civil Procedure §
17 384.

18 15. The Court approves and orders payment in the amount of **\$37,500.00** to the Labor and
19 Workforce Development Agency in compromise of claims under the Labor Code Private Attorneys
20 General Act of 2004 (Labor Code § 2698 *et seq.*).

21 16. Once Defendant fully funds the Settlement by paying the Gross Settlement Amount and
22 the employer share of payroll taxes, Plaintiffs and the Class Members shall have, by operation of this
23 Final Approval Order and Judgment, fully, finally, and forever released, relinquished, and discharged
24 Defendant from the released claims described in the Settlement.

25 17. In accordance with California Rule of Court 3.771(b), the Parties are ordered to give
26 notice of this Final Approval Order and the Judgment to all Class Members by posting the Order and the
27 Judgment on the Settlement Administrator's website for a period of three (3) years after entry of
28 judgment.

IT IS SO ORDERED.

Dated: _____

Hon. Tim P. Kam
SUPERIOR COURT JUDGE