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VENTURA SUPERIOR COURT

08/3/23

VENTURA SUPERIOR COURT

FILED

08/30/2023

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Executive Officer and Clerk

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Attorneys for Plaintiff

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

AURELIO HERNANDEZ, individually, and on
behalf of all others similarly
situated,

Plaintiff,

v.

ADVANCED STRUCTURAL
TECHNOLOGIES, INC., a California
corporation, and DOES 1 through 10, inclusive,

Defendants.

Case No.: 56-2021-00557782-CU-OE-VTA

CLASS ACTION

*[Assigned for all purposes to Judge Henry
Walsh, Dept.42]*

**PROPOSED ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

*[Filed concurrently with: Plaintiffs' Notice of
Motion and Motion for Preliminary Approval
of Class Action Settlement, Memorandum of
Points and Authorities; and the Declarations
of Justin F. Marquez and Jeremy Romero (on
behalf of CPT Group, Inc.)]*

FINAL APPROVAL HEARING

Date: August 25, 2023

Time: 8:30 a.m.

Dept: 42

The Court has before it Plaintiff Aurelio Hernandez's ("Plaintiff") Motion for Final Approval of Class Action Settlement(the "Final Approval Motion"), and after review and consideration of the parties' fully-executed Class Action and PAGA Settlement Agreement and Class Notice (collectively, the "Settlement" or "Settlement Agreement") and the papers in support of the Final Approval Motion, due and adequate notice having been given to the Class, and the Court having reviewed and considered the Settlement, all papers filed, the record, proceedings in the above-entitled action ("Litigation" or "Action"), and all oral and written comments received regarding the Settlement, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

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

2. The Court has jurisdiction over all claims asserted in the Action, Plaintiff, the Settlement Class Members, and Defendant Advanced Structural Technologies, Inc. ("Defendant").

3. The Court finds that the Settlement appears to have been made and entered into in good faith and hereby approves the settlement subject to the limitations on the requested fees and enhancements as set forth below.

4. Plaintiff and all Participating Class Members shall have, by operation of this Final Order and Judgment, fully, finally, and forever released, relinquished, and discharged Defendant and the Released Parties from all released claims as set forth in the Settlement.

5. Plaintiff, the State of California, and all Participating PAGA Members shall have, by operation of this Final Order and Judgment, fully, finally, and forever released, relinquished, and discharged Defendant and the Released Parties from all released PAGA claims as set forth in the Settlement.

6. The Parties shall bear their own respective attorneys' fees and costs, except as otherwise provided for in the Settlement and approved by the Court.

7. Solely for purposes of effectuating the settlement, the Court finally certified the following Class: "all persons employed by Advanced Structural Technologies, Inc. in California and classified as an hourly-paid, non-exempt employee during the Class Period."

1 8. The Class Period “means the period that starts on March 8, 2017 and shall end on
2 on January 6, 2023.”

3 9. No Settlement Class Members have objected to the terms of the Settlement.

4 10. The Notice provided to the Class conforms with the requirements of California
5 Rules of Court 3.766 and 3.769, and constitutes the best notice practicable under the circumstances,
6 by providing individual notice to all Class Members who could be identified through reasonable
7 effort, and by providing due and adequate notice of the proceedings and of the matters set forth
8 therein to the Class Members. The Notice fully satisfies the requirements of due process.

9 11. The Court finds the Settlement Amount, the Net Settlement Amount and the
10 methodology used to calculate and pay the Net Settlement Payments to each Participating Class
11 Member are fair and reasonable and authorizes the Settlement Administrator to pay the Net
12 Settlement Payments to the Participating Class Members in accordance with the terms of the
13 Stipulation.

14 12. The Court approves the Settlement and finds that it is fair, reasonable, and adequate,
15 and worthy of final approval.

16 13. The Court also finds the PAGA Settlement is fair and reasonable, and that Plaintiff
17 provided notice of the proposed Settlement to the Labor and Workforce Development Agency
18 (LWDA) and will fully and adequately comply with the notice requirements of California Labor
19 Code section 2699(1). The Court hereby approves the PAGA Settlement.

20 14. Defendant shall pay the total of \$727,419.42 to resolve this litigation. Defendant
21 shall deposit this amount and employer taxes into an account established by the Settlement
22 Administrator. Thereafter, compensation to the Participating Class Members shall be disbursed
23 pursuant to the terms of the Settlement.

24 (a) From the Settlement Amount, \$18,750.00 shall be paid to the California
25 Labor and Workforce Development Agency, representing 75% of the
26 penalties awarded under the terms of the Settlement Agreement pursuant to
27 the Labor Code Private Attorneys General Act of 2004, California Labor
28 Code section 2698, *et seq.* The remaining \$6,250.00, representing 25% of

the total amount allocated for PAGA penalties, shall be paid to the PAGA Employees.

(b) From the Settlement Amount, \$10,000.00 shall be paid to the named Plaintiff, Aurelio Hernandez, for his service as class representative and for his agreement to release claims.

(c) From the Settlement Amount, \$11,250.00 shall be paid to the Settlement Administrator, CPT Group, Inc.

15. The Court hereby confirms Justin F. Marquez, Christina M. Le, and Zachary D. Greenberg of Wilshire Law Firm, PLC as Class Counsel.

16. From the Settlement Amount, Class Counsel is awarded \$242,158.33 for their reasonable attorneys' fees and \$15,806.20 for their reasonable costs incurred in the Action. The fees and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court finds that the fees are reasonable in light of the benefit provided to the Class.

17. Notice of entry of this Final Approval Order and Judgment shall be given to Class Members by posting a copy of the Final Approval Order and Judgment on CPT Group, Inc.'s website for a period of at least sixty (60) calendar days after the date of entry of this Final Approval Order and Judgment.

18. Without affecting the finality of this Final Judgment in any way, this Court retains continuing jurisdiction over the implementation, interpretation, and enforcement of the Settlement with respect to all Parties to this action, and their counsel of record.

19. Plaintiff's Motion for Final Approval of Class Action Settlement is hereby granted and the Court directs that judgment shall be entered in accordance with the terms of this Order.

IT IS SO ORDERED.

DATE: August 25, 2023


Hon. Henry Walsh
Ventura County Superior Court

Aurelio Hernandez v. Advanced Structural Technologies, Inc.
56-2021-00557782-CU-OE-VTA

[illegible]

I, Sandy Sespene, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is ssespene@wilshirelawfirm.com.

On **August 3, 2023**, I served the foregoing **[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

John A. Haubrich (SBN 228341)
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 Tamar Tellado (SBN 347573)
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 Jessica Rodgers
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 Facsimile: 213.250.7900

Attorneys for Defendant,
ADVANCED STRUCTURAL TECHNOLOGIES, INC., et al.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

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

Executed on August 3, 2023, at Los Angeles, California.


Sandy Sespene