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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

BRUCE A. GARCIA, as an individual and on
behalf of all others similarly situated,
Plaintiff,

vs.

CP-CARRILLO, INC., a California
corporation,
Defendant.

Case No. 30-2021-01225816-CU-OE-CXC

*[Assigned for all purposes to the Hon. Peter
J. Wilson, Dept. CX-101]*

**ORDER GRANTING PLAINTIFF'S
MOTION FOR FINAL APPROVAL OF
CLASS AND PAGA ACTION
SETTLEMENT AND FINAL JUDGMENT**

Date: July 27, 2023
Time: 2:00 p.m.
Dept.: CX-101

Action Filed: October 8, 2021
Trial Date: None set

1 This matter came on regularly for hearing before this Court on July 27, 2023 at 2:00
2 p.m., pursuant to California Rule of Court 3.769 and this Court’s earlier Order Granting
3 Preliminary Approval of Class and PAGA Action Settlement (“Preliminary Approval Order”).
4 Having considered the parties’ Stipulation of Settlement (“Settlement Agreement”)¹ and the
5 documents and evidence presented in support thereof, and recognizing the sharply disputed
6 factual and legal issues involved in this case, the risks of further prosecution and the
7 substantial benefits to be received by the Settlement Class pursuant to the Settlement, the
8 Court hereby makes a final ruling that the proposed Settlement is fair, reasonable, and
9 adequate, and is the product of good faith, arm’s-length negotiations between the parties.
10 Good cause appearing therefor, the Court hereby GRANTS Plaintiff’s Motion for Final
11 Approval of Class Action Settlement and ORDERS as follows:

12 1. Final judgment is hereby entered in conformity with the Settlement Agreement
13 and this Final Approval Order.

14 2. The conditional class certification contained in the Preliminary Approval Order
15 is hereby made final, and the Court thus certifies, for purposes of the Settlement only, a
16 Settlement Class consisting of:

17 All current and former non-exempt shop (production) employees who
18 worked for Defendant CP-Carrillo, Inc. in California from October 8,
2017 until January 4, 2023 (the “Class Period”).

19 3. Plaintiff Bruce A. Garcia is hereby confirmed as the Class Representative, and
20 Paul K. Haines, Sean M. Blakely, and Alexandra R. McIntosh of Haines Law Group, APC are
21 confirmed as Class Counsel.

22 4. Notice was provided to the Settlement Class as set forth in the Settlement, which
23 was preliminarily approved by the Court on March 3, 2023, and the notice process has been
24 completed in conformity with the Court’s Orders. The Court finds that said notice was the best
25 notice practicable under the circumstances. The Class Notice provided due and adequate notice

26 ¹ The Stipulation of Settlement (“Settlement Agreement”) was filed on November 18, 2022, as
27 Exhibit 1 to the Declaration of Paul K. Haines In Support of Plaintiff’s Motion For Preliminary
28 Approval of Class Action Settlement (ROA 63 at ¶ 10, Exh. 1). All terms used in this Order and
Final Judgment shall have the same meaning as that assigned to them in the Settlement.

1 of the proceedings and matters set forth therein, informed Settlement Class members of their
2 rights, and fully satisfied the requirements of California Code of Civil Procedure § 1781(e),
3 California Rule of Court 3.769, and due process.

4 5. The Court finds that no Settlement Class member objected to the Settlement,
5 only one (1) Settlement Class member, Javier Anguiano, elected to opt-out of the Settlement,
6 and that the 99.68% participation rate in the Settlement supports final approval.

7 6. The Court hereby approves the settlement as set forth in the Settlement
8 Agreement (ROA 63 at ¶ 10, Exh. 1) as fair, reasonable, and adequate, and directs the parties to
9 effectuate the Settlement Agreement according to its terms.

10 7. For purposes of settlement only, the Court finds that (a) the members of the
11 Settlement Class are ascertainable and so numerous that joinder of all members is
12 impracticable; (b) there are questions of law or fact common to the Settlement Class, and there
13 is a well-defined community of interest among members of the Settlement Class with respect to
14 the subject matter of the litigation; (c) the claims of the Class Representative are typical of the
15 claims of the members of the Settlement Class; (d) the Class Representative has fairly and
16 adequately protected the interests of the Settlement Class members; (e) a class action is superior
17 to other available methods for an efficient adjudication of this controversy; and (f) Class
18 Counsel are qualified to serve as counsel for the Class Representative and the Settlement Class.

19 8. The Court finds that given the absence of objections to the Settlement, that this
20 Order shall be considered final as of the date of entry.

21 9. The Court orders that Defendant CP-Carrillo, Inc. (“Defendant”) shall deposit
22 the Gross Settlement Amount of \$815,000.00 with the Settlement Administrator, Phoenix
23 Settlement Administrators within thirty (30) calendar days of the date of this Order.

24 10. The Court orders that any Settlement Awards that remain uncashed after 180
25 days after they are mailed shall be distributed to Public Law Center (“PLC”) pursuant to
26 California Code of Civil Procedure § 384 as the *cy pres* beneficiary designated by the Parties.

27 11. The Court finds that the Settlement Awards, as provided for in the Settlement,
28 are fair, reasonable, and adequate, and orders the Settlement Administrator to distribute the

individual Settlement Awards in conformity with the terms of the Settlement.

12. The Court finds that a Class Representative Enhancement Payment in the amount of \$7,500.00 to Plaintiff is appropriate for the risks undertaken and his service to the Settlement Class, and orders that the Settlement Administrator make this payment in conformity with the terms of the Settlement.

13. The Court finds that the attorneys' fees in the amount of \$271,666.66 and actual litigation costs of \$16,409.61 for Class Counsel, are fair, reasonable, and adequate, and orders the Settlement Administrator to distribute these payments to Class Counsel in conformity with the terms of the Settlement.

14. The Court finds that civil penalties under the Labor Code Private Attorneys General Act in the amount of \$50,000, with payment to the Labor & Workforce Development Agency ("LWDA") in the amount of \$37,500.00 and payment to the aggrieved employees in the amount of \$12,500.00, is fair, reasonable, and adequate, and orders that the Settlement Administrator make this payment in conformity with the terms of the Settlement.

15. The Court orders that the Settlement Administrator shall be paid \$8,500.00 from the Gross Settlement Amount for all of its work done and to be done until the completion of this matter and finds that sum appropriate.

16. The Settlement is not an admission by Defendant, nor is this Order and Final Judgment a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order and Final Judgment, the Settlement, nor any document referred to herein, nor any action taken to carry out the Settlement, shall be construed or deemed an admission of liability, culpability, or wrongdoing on the part of Defendant.

17. As of the date of this Order and Final Judgment and upon the complete funding of the Gross Settlement Amount, Plaintiff and every member of the Settlement Class, except Javier Anguiano, the one (1) Settlement Class member who submitted a timely and valid Request for Exclusion, shall be deemed to fully release and discharge Defendant, and all of its present and former officers, directors, employees, shareholders, agents, trustees, representatives, attorneys, insurers, reinsurers, parent companies, subsidiaries, divisions, affiliates, predecessors,

successors, as well as any individual or entity that could be jointly liable with Defendant (collectively the “Released Parties”), from all claims, causes of action, and legal theories alleged or which reasonably could have been alleged based on facts in the operative First Amended Class and Representative Action Complaint (“FAC”), including: (a) failure to pay all overtime wages; (b) failure to provide all meal periods in accordance with California law; (c) failure to authorize and permit all rest periods in accordance with California law; (d) failure to furnish accurate and itemized wage statements; (e) failure to pay all wages owed upon separation of employment; (f) all claims for unfair business practices that could have been premised on the facts, claims, causes of action or legal theories of relief pled in the FAC; (g) all claims for civil penalties under the PAGA that were or could have been alleged based on the claims, causes of action or legal theories described above or on any of the claims, causes of action, or legal theories of relief pled in the FAC; and (h) all damages, penalties, interest, costs (including attorney’s fees), and other amounts recoverable under said claims or causes of action as to the facts and/or legal theories alleged or which reasonably could have been alleged in the FAC (collectively, the “Released Claims”). The period of the Release shall extend to the limits from October 8, 2017 until January 4, 2023 (“Class Period”).

18. This document shall constitute a final judgment pursuant to California Rule of Court 3.769(h) which provides, “If the court approves the settlement agreement after the final approval hearing, the court must make and enter judgment. The judgment must include a provision for the retention of the court’s jurisdiction over the parties to enforce the terms of the judgment. The court may not enter an order dismissing the action at the same time as, or after, entry of judgment.” Pursuant to California Code of Civil Procedure section 664.6, the Court will retain jurisdiction to enforce the Settlement, and this Final Approval Order and Judgment. The Settlement Administrator shall give notice of this Judgment by posting this Final Judgment on its website for 180 days.

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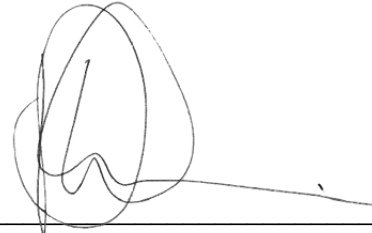
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1 19. The Settlement Administrator shall file a final report regarding distribution and
2 uncashed checks by May 7, 2024. A compliance hearing is set for May 17, 2024 at 9:00 a.m.
3 in department CX-101.

4 **IT IS SO ORDERED.**

5
6 Dated: August 1, 2023

A handwritten signature in black ink, appearing to be 'P. J. Wilson', written over a horizontal line.

Honorable Peter J. Wilson
Judge of the Superior Court