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Superior Court of California
County of Los Angeles

08/07/2024

David W. Slayton, Executive Officer / Clerk of Court

By: T. Lewis Deputy

JULIAN HAMMOND (SBN 268489)
jhammond@hammondlawpc.com
ADRIAN BARNES (SBN 253131)
abarnes@hammondlawpc.com
POLINA BRANDLER (SBN 269086)
pbrandler@hammondlawpc.com
ARI CHERNIAK (SBN 290071)
acherniak@hammondlawpc.com
HAMMONDLAW, P.C.
1201 Pacific Ave. Suite 600
Tacoma WA 98402
(310) 807-1666
(310) 295-2385 (Fax)
Attorneys for Plaintiffs and the Putative Classes

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ADAM FLIGSTEN and JONATHAN WANG,
individually and on behalf of all others similarly
situated,

Plaintiffs,

vs.

MUSICIANS INSTITUTE, INC., a California
Corporation,

Defendant.

CASE NO. 21STCV38365

**~~SECOND REVISED [PROPOSED]~~ ORDER
AND JUDGMENT GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: July 31, 2024

Time: 10:00 a.m.

Dept 6

1 This matter is before the Court on Plaintiffs' Motion for Final Approval of Class Action
2 Settlement and Motion for Attorneys' Fees and Costs and Class Representative Service Awards. Having
3 considered the motions, the Settlement Agreement, and all exhibits and attachments thereto, the record
4 in this matter, and the briefs and arguments of counsel, **IT IS HEREBY ORDERED AND**
5 **ADJUDGED** as follows:

6 1. Pursuant to California Rule of Court 3.769(d), this Court makes final the conditional class
7 certification contained in the Order Granting Preliminary Approval of Class Action Settlement of two
8 settlement classes:

9 (a) "Class Members" who are all instructors employed by Musicians Institute, Inc. ("Defendant")
10 in California from October 19, 2017 to January 31, 2024 ("Class Period"); and

11 (b) "Reimbursement Class Members" who are all current and former employees of Defendant
12 other than Class Members who were required to work remotely for Defendant in California during
13 the Class Period.

14 3. The Court hereby appoints Plaintiffs Adam Fligsten and Jonathan Wang as Class
15 Representative and HammondLaw, P.C. as Class Counsel.

16 2. The Court hereby finds that the Class Notice has been mailed to Class Members and
17 Reimbursement Class Members as previously ordered by the Court, and that such Notice fairly and
18 adequately described the terms of the proposed Settlement Agreement and the manner in which Class
19 Members and Reimbursement Class Members could object to or opt-out of the settlement; was the best
20 notice practicable under the circumstances; was mailed with sufficient notice to all Class Members and
21 Reimbursement Class Members; and complied fully with California Rule of Court 3.769, met the
22 requirements of due process, and all other applicable laws. The Court further finds that a full and fair
23 opportunity has been afforded to Class Members and Reimbursement Class Members to participate in
24 the proceedings convened to determine whether the proposed Settlement Agreement should be given
25 final approval.

26 3. In response to the Notice, one Class Member, Christian Dubeau, requested to be excluded
27 from the Settlement. No Reimbursement Class Members opted out.

28 4. In response to the Notice, no Class Member or Reimbursement Class Member submitted
an objection to the Settlement.

5. Accordingly, upon the Effective Date, the Released Parties are discharged and released
from any and all liability with respect to the Class Member Released Claims, Reimbursement Class

1 Member Released Claims, Instructor Aggrieved Employee Released Claims, and Aggrieved Employee
2 Released Claims.

3 6. The Court hereby enters final judgment on the operative Complaint, finally and
4 unconditionally approves the Settlement Agreement as fair, reasonable, and adequate and directs the
5 parties to implement its terms, and specifically,

- 6 a. Approves the Gross Settlement Amount of \$900,000;
- 7 b. Awards Class Representative service awards in the amount of \$5,000 to Plaintiff
8 Fligsten and \$5,000 to Plaintiff Wang;
- 9 c. Awards attorneys' fees in the amount of \$300,000, or 1/3 of the Gross Settlement
10 Amount;
- 11 d. Approves Class Counsel's hourly rates as reasonable, and within the range of
12 market rates that attorneys with similar levels of skill, experience and reputation for handling matters of
13 similar complexity; and finds that the attorney's fees' request is justified under the lodestar/multiplier
14 analysis;
- 15 e. Approves Class Counsel's request for reimbursement of litigation expenses of
16 \$18,388.94;
- 17 f. Approves the allocation of \$30,000 in PAGA Penalties to the LWDA, Instructor
18 Aggrieved Employees, and Aggrieved Employees, as provided in the Settlement Agreement;
- 19 g. Approves payment of \$14,350 to ILYM as costs of settlement administration; and
- 20 h. Approves the payment from the Net Settlement Amount of amounts determined
21 by the Settlement Administrator to be due to Class Members and Reimbursement Class Members, as
22 specified in the Settlement Agreement.

23 7. Defendant is hereby ordered to fund the Gross Settlement Amount as follows: Within 30
24 days of the date of this Order and Judgment, Defendant shall transmit \$600,000 to the Settlement
25 Administrator. By October 31, 2024, Defendant shall transmit \$300,000 to the Settlement Administrator,
26 in addition to an amount equal to employer side payroll taxes due on the wage component of the Net
27 Settlement Amount.

28 8. An Order to Show Cause Re: Compliance with the Terms of the Settlement is set for
March 18, 2025 at 8:30 a.m. in Department 6. The parties are ordered to meet and confer and file a joint
status report and a declaration from the administrator by March 10, 2025, advising the Court of the status
of the distribution of settlement.

1 9. The Court retains exclusive and continuing jurisdiction over the litigation for purposes of
2 supervising, implementing, interpreting, and enforcing this Final Approval Order and the Settlement
3 Agreement, and, if necessary, to conduct a further hearing on certification of distribution of settlement
4 amounts.

5 **IT IS SO ORDERED AND ADJUDGED.**

6
7 Date: 08/07/2024, ~~2024~~



Elihu M. Berle

Hon. Elihu Berle
Judge of the Superior Court
Elihu M. Berle / Judge