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8

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

AUG 21 2023

BY Jessica Garcez
JESSICA GARCEZ, DEPUTY

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN BERNARDINO**
11

12 HOLLY BROWN, on behalf of herself and
all "aggrieved employees" pursuant to
13 Labor Code § 2698 *et seq.*,

14 Plaintiff,

15 v.

16 PARKER BUILDING SUPPLY-USLBM
LLC, a Delaware limited liability company,
17 and DOES 1 through 10, inclusive,

18 Defendants.
19
20

CASE NO: CIV-SB-2200451

*Assigned to the Honorable Joseph T. Ortiz, Dept.
S17*

CLASS ACTION

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

DATE: August 15, 2023

TIME: 1:30 p.m.

DEPT.: S17

Action Filed: January 6, 2022

1 Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on August 15, 2022. The above-captioned Action is a class action lawsuit brought
3 by Plaintiff Holly Brown ("Plaintiff" or "Brown") against Defendant Parker Building Supply-
4 USLBM LLC ("Defendant") (collectively, the "Parties"). Plaintiff alleges, on behalf of a class of
5 certain of Defendant's current and former employees, that Defendant failed to pay all wages, failed
6 to provide meal and rest periods or compensation in lieu thereof, failed to pay wages due timely
7 upon separation of employment, and failed to comply with itemized wage statement provisions.
8 Defendant denies any and all alleged wrongdoing and denies any liability to Plaintiff or to members
9 of the Class. Defendant contends that that it has complied at all times with California law, including
10 the California Labor Code, the Industrial Commission Wage Orders, and the California Business
11 and Professions Code.

12 On April 29, 2023, this Court entered an Order Granting Preliminary Approval of
13 Settlement, resulting in certification of the following provisional Settlement Class: all persons who
14 are or were employed in California by Defendant as non-exempt employees at any point from
15 January 6, 2018 through December 31, 2022.

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

23 The Court, upon Notice having been given as required in the Preliminary Approval Order,
24 and having considered the Joint Stipulation of Class and Representative Action Settlement (the
25 "Settlement"), as well as all papers filed, hereby ORDERS, ADJUDGES AND DECREES AS
26 FOLLOWS:

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28

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

3 2. The Court finds that the Settlement Class is properly certified for settlement
4 purposes only.

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

12 4. The Court finds the settlement was entered into in good faith, that the Settlement is
13 fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable
14 requirements for final approval of this class action settlement under California law, including the
15 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
16 3.769. The Court approves the Class Settlement Amount of Seven Hundred Eighty-Two Thousand
17 Seven Hundred Twenty-Seven Dollars and Twenty-Seven Cents (\$782,727.27).

18 5. Zero (0) Class Members have objected to the terms of the Settlement.

19 6. Zero (0) Class Members have requested exclusion from the Settlement.

20 7. Upon entry of this Order, compensation to the Class Members shall be affected
21 pursuant to the terms of the Settlement.

22 8. In addition to any recovery that Plaintiff may receive from the Net Settlement
23 Amount and Aggrieved Employee Payment she may receive from the Class Settlement Amount,
24 and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court hereby
25 approves the payment of a Class Representative Enhancement Payment to Plaintiff Holly Brown
26 in the amount of Fifteen Thousand Dollars (\$15,000). This shall be paid from the Class Settlement
27 Amount.
28

1 9. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
2 Two Hundred Seventy-Three Thousand Nine Hundred Fifty-Four Dollars and Fifty-Five Cents
3 (\$273,954.55), and the reimbursement of litigation expenses in the sum of Seventeen Thousand
4 Eight Hundred Eighty Dollars and Twenty-Two Cents (\$17,880.22). This shall be paid from the
5 Class Settlement Amount.

6 10. The Court approves and orders payment in the amount of Six Thousand Nine
7 Hundred Fifty Dollars (\$6,950) to Phoenix Settlement Administrators for performance of its
8 settlement administration services. This shall be paid from the Class Settlement Amount.

9 11. The Court approves and orders payment in the amount of Thirty Thousand Dollars
10 (\$30,000) to the California Labor and Workforce Development Agency for its 75% share of PAGA
11 penalties, and Ten Thousand Dollars (\$10,000) of the PAGA Payment shall be distributed to the
12 Aggrieved Employees as their Aggrieved Employee Payment. This shall be paid from the Class
13 Settlement Amount.

14 12. Upon the entry of this Order and Judgment, Plaintiff, Aggrieved Employees, and all
15 Class Members shall be bound by the release of claims as set forth in the Settlement.

16 13. This "Judgment" is intended to be a final disposition of the above captioned action
17 in its entirety, and is intended to be immediately appealable.

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

22 **IT IS SO ORDERED.**

23
24 Dated: 8/21/23



JUDGE OF THE SUPERIOR COURT
JOSEPH T. ORTIZ