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Clerk of the Superior Court  
By T. Automation , Deputy Clerk

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*Attorneys for Plaintiff Dustin Evers*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**

DUSTIN EVERS *et al.*

Plaintiff,

vs.

LZB RETAIL, INC. D/B/A LA-Z-BOY *et al.*

Defendants.

Case No. 37-2021-00047960-CU-OE-CTL

[Consolidated with Case No. 37-2022  
00007717-CU-OE-CTL]

*Hon. James A. Mangione  
Dept. 75*

**CLASS ACTION**

**Notice of Entry of Order Granting Final  
Approval and Entering Judgment**

Action Filed: November 12, 2021

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE  
2 TAKE NOTICE THAT:

3 1. On September 5, 2024, in this Department, the Court entered the Order Granting Final  
4 Approval of Class Action Settlement and Attorneys' Fees and Costs and Entering Judgment attached  
5 hereto as Exhibit 1.

6 2. The Judge confirmed the Court's Tentative Ruling attached hereto as Exhibit 2.

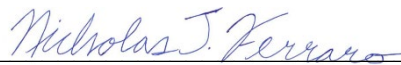
7 3. A copy of this Notice has been submitted to the LWDA via its online electronic portal  
8 in accordance with Labor Code § 2699(1)(3).

9 4. Notice of the Court's final ruling and entry of judgment is hereby provided.

10  
11 Respectfully submitted,

12  
13 Dated: September 24, 2024

***Ferraro Vega Employment Lawyers, Inc.***

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15 Nicholas J. Ferraro

16 Attorney for Plaintiff Dustin Evers  
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# EXHIBIT 1

ELECTRONICALLY FILED  
Superior Court of California,  
County of San Diego

9/5/2024 4:46:59 PM

Clerk of the Superior Court  
By C. Hines ,Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO**

DUSTIN EVERS, *et al.*

Plaintiff,

vs.

LZB RETAIL, INC. D/B/A LA-Z-BOY, *et al.*

Defendants.

Case No. 37-2021-00047960-CU-OE-CTL

[Consolidated with Case No. 37-2022  
00007717-CU-OE-CTL]

*Hon. James A. Mangione*  
*Dept. 75*

**CLASS ACTION**

**[AMENDED Proposed] Order Granting Final  
Approval of Class Action Settlement and  
Attorneys' Fees and Costs and Entering  
Judgment**

Motion for Final Approval/Attorneys' Fees:

Date: August 30, 2024

Time: 9:00 a.m.

[Filed concurrently with Notice of Motion and  
Motion for Final Approval of Class Action  
Settlement, Memorandum of Points and  
Authorities, Declaration of Nicholas J. Ferraro,  
Declaration of Settlement Administrator, and  
Declaration of Dustin Evers]

Action Filed: November 12, 2021

[AMENDED Proposed] Order Granting Final Approval of Class Action Settlement  
and Attorneys' Fees and Costs and Entering Judgment

1 This matter came on for hearing on August 30, 2024 at 9:00 a.m., in Department 75 of the  
2 above-captioned Court, the Honorable James A. Mangione presiding, on (1) Plaintiff's Motion for Final  
3 Approval of Class Action Settlement and (2) Plaintiff's Motion for Attorneys' Fees and Costs.

4 Having received and considered the motions and supporting papers, including the Stipulation  
5 for Settlement and Release of Class Action and PAGA Claims ("Settlement"), the evidence and  
6 documents received by the Court in connection with the Motions for Final Approval and Attorneys'  
7 Fees and Costs, and the previously decided Motion for Preliminary Approval, the Court GRANTS  
8 FINAL APPROVAL of the Settlement and ORDERS AND MAKES THE FOLLOWING  
9 DETERMINATIONS:

10 1. Pursuant to the terms of the Settlement and the Order Granting Preliminary Approval,  
11 and the Settlement, a notice was sent to each class member by first-class U.S. mail. The notice  
12 informed the class of the terms of the Settlement, their right to receive a settlement payment without  
13 any required action, their right to comment upon or object to the Settlement, and their right to appear  
14 in person or by counsel at the Final Approval Hearing and to be heard regarding approval of the  
15 Settlement. Adequate periods of time were provided for each of these procedures.

16 2. Zero class members returned a written objection to the proposed Settlement as part of  
17 the notice process or stated an intention to appear at the Final Approval Hearing and there were no  
18 dissenting appearances from class members at the hearing. One class member requested exclusion  
19 from the Settlement: Gulsum Sayder. This "opt out" is affirmatively excluded from the class  
20 settlement.

21 3. The Court finds and determines the notice procedure afforded adequate protections to  
22 the class and provides the basis for the Court's informed decision regarding approval of the Settlement  
23 based on the response. The Court finds and determines the notice provided was the best notice  
24 practicable, satisfying the requirements of law and due process.

25 4. For purposes of approving this Settlement only, this Court finds and concludes: (a) the  
26 proposed class is ascertainable and so numerous that joinder of all members of the class is  
27 impracticable; (b) there are questions of law or fact common to the proposed class, and there is a well-  
28 defined community of interest among members of the class with respect to the subject matter of the

1 claims; (c) the claims of the representative are typical of the claims of the class; (d) the class  
2 representative has and will fairly and adequately protect the interests of the class; (e) a class action is  
3 superior to other available methods for an efficient adjudication of this controversy in the context of  
4 settlement; and (f) the law firm of Ferraro Vega Employment Lawyers, Inc. is qualified and adequate  
5 to serve as Class Counsel in this action.

6 5. The Court confirms certification, for settlement purposes only, of the class as defined in  
7 the Settlement and approved at the preliminary approval stage.

8 6. The Court finds and determines the terms set forth in the Settlement are fair, reasonable,  
9 and adequate and, having found the Settlement was reached as a result of informed and non-collusive  
10 arms'-length negotiations facilitated by a neutral and experienced mediator, directs the Parties to  
11 effectuate the Settlement according to its terms. The Court further finds the Parties conducted  
12 extensive investigation, research, and informal discovery, and that their attorneys were able to  
13 reasonably evaluate their respective positions. The Court also finds that Settlement will enable the  
14 Parties to avoid additional and potentially substantial litigation costs, as well as delay and risks if the  
15 Parties were to continue to litigate the case. The Court has reviewed the monetary recovery and  
16 recognizes the significant value provided to the Class. Therefore, the Court approves the terms of the  
17 Settlement, including the release of claims thereunder, and incorporates the terms of the Settlement in  
18 full into this Final Approval Order as though fully set forth herein. All defined terms used in the  
19 Settlement Agreement have the same defined meaning when used herein.

20 7. The Court finds and determines the fees and expenses in administering the Settlement  
21 incurred by the Settlement Administrator of \$9,590.60 are fair and reasonable. The Court orders these  
22 administration costs be paid in accordance with the terms of the Settlement.

23 8. The Court finds and determines the employer's share of payroll taxes of \$31,160.82 are  
24 fair and reasonable. The Court orders the payroll taxes be paid in accordance with the terms of the  
25 Settlement.

26 9. The Court finds and determines the Service Award of \$10,000 to Plaintiff Evers as fair  
27 and reasonable. The Court orders the service awards be paid in accordance with the terms of the  
28 Settlement.

1           10.    The Court finds and determines that payment of the civil penalties under the Labor Code  
2 Private Attorneys General Act in the amount of \$15,000, as provided under the terms of the Settlement,  
3 to the California Labor and Workforce Development Agency as its 75% share thereof, and the  
4 remaining \$5,000 as civil penalties to the Aggrieved Employees specified in the Settlement as their  
5 25% share, is fair, reasonable, and appropriate. The Court orders those amounts be paid in accordance  
6 with the terms of the Settlement and approves the settlement of claims under the Labor Code Private  
7 Attorneys General Act pursuant to Labor Code § 2699(1)(2).

8           11.    Pursuant to the terms of the Settlement and the statutory provisions authorizing  
9 attorneys' fees under the California Labor Code and Code of Civil Procedure, as set forth in the Motion  
10 for Attorneys' Fees, the Court awards Class Counsel attorneys' fees of \$358,297.50 and litigation costs  
11 of \$21,172.74. Class Counsel has sufficiently explained the basis for the fee award based on a  
12 percentage of the fund. The Court finds such amounts to be fair and reasonable. The Court orders the  
13 Settlement Administrator to make these payments in accordance with the Settlement.

14           12.    Effective upon the entry of this Order, Plaintiff, Participating Class Members, the  
15 LWDA and Aggrieved Employees shall be and hereby are enjoined from filing, initiating, or  
16 continuing to prosecute any actions, claims, complaints, or proceedings in court, arbitration, with the  
17 California Division of Labor Standards Enforcement ("DLSE"), with the LWDA, or with any other  
18 entity, with respect to the claims released as described in the Settlement Agreement, and from  
19 contesting or interfering with efforts by Defendant or by any other Released Parties to oppose any  
20 attempt to bring such released claims against any of them.

21           13.    Without affecting the finality of this Order or the entry of judgment in any way, the  
22 Court retains jurisdiction of all matters relating to the interpretation, administration, implementation,  
23 and enforcement of this Order and the Settlement.

24           14.    Nothing in this Order shall preclude any action to enforce the Parties' obligations under  
25 the Settlement or under this Order, including the requirement that Defendant make payments to Class  
26 Members in accordance with the Settlement.

27           15.    The Court hereby ENTERS FINAL JUDGMENT in accordance with the terms of the  
28 Settlement, in accordance with this Final Approval Order and Judgment.

1           16.    The Parties shall comply with Cal. Rules of Court Rule 3.771(b), by filing a Notice of  
2 Entry of Judgment with the Court.

3  
4 **IT IS SO ORDERED.**

5  
6 Date: 9/5/2024



\_\_\_\_\_  
The Honorable James A. Mangione  
Judge of the Superior Court

## EXHIBIT 2

**SUPERIOR COURT OF CALIFORNIA**  
COUNTY OF SAN DIEGO  
CENTRAL COURTHOUSE  
TENTATIVE RULINGS - August 30, 2024

HEARING DATE: 8/30/24                      HEARING TIME: 9:00a.m.                      DEPT.: C-75

JUDICIAL OFFICER:

CASE NO.:37-2021-00047960-CU-OE-CTL

CASE TITLE: Evers vs La-Z-Boy Incorporated [E-FILE]

CASE TYPE: (U)Other Employment

HEARING TYPE:

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Plaintiff's Motion for Final Approval of Class Action Settlement is granted.

Plaintiff has justified the attorney fee award of \$358,297.50 as one-third of the gross settlement amount, and the request is granted. Plaintiff is also awarded actual litigation costs of \$21,172.74.

Plaintiff's requests for a class enhancement award of \$10,000 for named Plaintiff and settlement administration costs of \$9,590.60 are granted.

Finally, the Court approves the \$20,000 amount to settle Plaintiff's PAGA claims and grants Plaintiff's request to pay \$15,000 to the LWDA.

The Court is prepared to sign the Proposed Order upon confirmation of the tentative.