

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
GAINES & GAINES, APLC
4550 East Thousand Oaks Boulevard, Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Arturo Gonzalez
and Proposed Class Counsel

JAMES KAWAHITO, ESQ. SBN 234851
jkawahito@kawahitolaw.com
KAWAHITO LAW GROUP APC
300 Corporate Pointe, Suite 340
Culver City, CA 90230
Telephone: (310) 746-5300
Facsimile: (310) 593-2520

Attorneys for Plaintiff Randall Hord
and Proposed Class Counsel

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

ARTURO GONZALEZ, RANDALL
HORD, on behalf of himself and all
"aggrieved employees" pursuant to Labor
Code § 2698 *et seq.*,

Plaintiffs,

v.

JTI ELECTRICAL &
INSTRUMENTATION,
LLC, a Delaware limited liability company,
and DOES 1 through 10, inclusive,

Defendants.

CASE NO: BCV-21-102905

Assigned to the Hon. Thomas S. Clark, Dept. 17

CLASS ACTION

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

DATE: April 17, 2024

TIME: 8:30 a.m.

DEPT.: 17

Action Filed: December 13, 2021

FILED
KERN COUNTY
APR 17 2024
BY DEPUTY

1 Plaintiffs' Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on April 17, 2024. The above-captioned Action is a class action lawsuit brought
3 by Plaintiffs Arturo Gonzalez and Randall Hord ("Plaintiffs") against Defendant JTI Electrical &
4 Instrumentation, LLC ("Defendant") (collectively, the "Parties"). Plaintiffs allege, on behalf of a
5 class of certain of Defendant's current and former employees, that Defendant failed to pay all
6 wages, failed to provide meal and rest periods or compensation in lieu thereof, failed to pay wages
7 due timely upon separation of employment, failed to reimburse all business expenses, and failed to
8 comply with itemized wage statement provisions. Defendant denies any and all alleged
9 wrongdoing and denies any liability to Plaintiffs or to members of the Class. Defendant contends
10 that that it has complied at all times with California law, including the California Labor Code, the
11 Industrial Commission Wage Orders, and the California Business and Professions Code.

12 On October 10, 2023, this Court entered an Order Granting Preliminary Approval of
13 Settlement, resulting in certification of the following provisional Settlement Class: all non-exempt
14 employees of Defendant in California at any time between December 13, 2017 and June 30, 2023.

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

22 The Court, upon Notice having been given as required in the Preliminary Approval Order,
23 and having considered the Settlement Agreement and Release of Claims (the "Settlement"), as well
24 as all papers filed, hereby **ORDERS, ADJUDGES AND DECREES AS FOLLOWS:**

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

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

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

10 4. The Court finds the settlement was entered into in good faith, that the Settlement is
11 fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable
12 requirements for final approval of this class action settlement under California law, including the
13 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
14 3.769.

15 5. The Court approves the Gross Settlement Amount of One Million Four Hundred
16 Seventy-Six Thousand Five Hundred Fifty-Eight Dollars and Forty-Two Cents (\$1,476,558.42).

17 6. Zero (0) Class Members have objected to the terms of the Settlement.

18 7. Two (2) individuals have requested exclusion from the Settlement. The following
19 individuals are excluded from the class Settlement and are not bound by the terms of the class
20 release, but remain Aggrieved Employees bound by the release of PAGA claims: Antonio Chavez
21 Jr. and Jose L. Valle.

22 8. Upon entry of this Order, compensation to the Class Members and all Aggrieved
23 Employees shall be affected pursuant to the terms of the Settlement.

24 9. In addition to any recovery that Plaintiffs may receive from the Net Settlement
25 Proceeds, and in recognition of the Plaintiffs' efforts on behalf of the Settlement Class, the Court
26 hereby approves the payment of Service Payments and General Release Payments to the Class
27 Representatives Arturo Gonzalez and Randall Hord in the gross amount of Twelve Thousand
28

1 Dollars (\$12,000) each (Twenty-Four Thousand Dollars (\$24,000) total). This shall be paid from
2 the Gross Settlement Amount.

3 10. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
4 Five Hundred Sixteen Thousand Seven Hundred Ninety-Five Dollars and Forty-Five Cents
5 (\$516,795.45) which will be paid 60% to Gaines & Gaines, APLC and 40% to Kawahito Law
6 Group, P.C. (pursuant to an attorney fee sharing agreement signed by Plaintiffs), and the
7 reimbursement of litigation expenses in the sum of Ten Thousand Four Hundred Sixty-Four Dollars
8 and Thirteen Cents (\$10,464.13). This shall be paid from the Gross Settlement Amount.

9 11. The Court approves and orders payment in the amount of Twelve Thousand Dollars
10 (\$12,000) to Phoenix Class Action Administration Solutions for performance of its settlement
11 administration services. This shall be paid from the Gross Settlement Amount. *Notice shall*

12 *posting this Order + Judgment on the Settlement Administrator's website for 90 days.*
13 12. The Court approves and orders payment in the amount of One Hundred Eight
14 Thousand Seven Hundred Fifty Dollars (\$108,750) to the California Labor and Workforce
15 Development Agency for its 75% share of PAGA penalties, and Thirty-Six Thousand Two Hundred
16 Fifty Dollars (\$36,250) to the Aggrieved Employees as part of the Net Settlement Proceeds. This
17 shall be paid from the Gross Settlement Amount.

18 13. Upon the entry of this Order and Judgment, Plaintiffs and all Class Members who
19 are not excluded from the class settlement shall be bound by the releases of claims as set forth in
20 the Settlement. Plaintiffs and all Aggrieved Employees shall be bound by the release of PAGA
21 claims as set forth in the Settlement.

22 14. This "Judgment" is intended to be a final disposition of the above captioned action
23 in its entirety, and is intended to be immediately appealable.

24 15. This Court shall retain jurisdiction with respect to all matters related to the
25 administration and consummation of the Settlement, and any and all claims asserted in, arising out
26 of, or related to the subject matter of the lawsuit, including but not limited to all matters related to
27 the settlement and the determination of all controversies relating thereto.

1 16. Upon the Effective Date of the Settlement, the Action entitled *Randall Hord v. JTI*
2 *Electric and Instrumentation LLC, et. al.*, pending in the Kern County Superior Court, Case No.
3 BCV-22-101192, is dismissed with prejudice.

4 **IT IS SO ORDERED.**

5
6 Dated: 4-17-24


JUDGE OF THE SUPERIOR COURT