

4/09/2024
Electronically Filed

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Attorneys for Plaintiffs

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

DANIEL HAYES, individually, and on behalf of
all others similarly situated, AUDREY
MIGLIACCIO, individually, and on behalf of all
others similarly situated, COURTNEY
MELVIN, individually, and on behalf of all
others similarly situated,

Plaintiffs,

v.

GONZALES PARK, a California corporation,
PROJECT FUSION, LLC, a Delaware
corporation, and DOES 1 through 10, inclusive,

Defendants

COURTNEY MELVIN, on behalf of the State of
California and other aggrieved persons,

Plaintiff,

v.

GONZALES PARK, LLC, a California Limited
Liability Company; PROJECT FUSION, LLC, a
Limited Liability Company; and DOES 1 through 10,
inclusive,

Defendants

F Superior Court of California F
I County of Butte I
L MAY 01 2024 L
E Sharif Elmallah, Clerk E
D By Davis Deputy D

Case No.: 21CV02456
Consolidated With Case No.: 22CV01119

**CONSOLIDATED CLASS AND
REPRESENTATIVE ACTION**

[Assigned to: Hon. Tamara L. Mosbarger,
Department 1]

**[PROPOSED] JUDGMENT AND ORDER
GRANTING PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

FINAL APPROVAL HEARING

Date: May 1, 2024
Time: 9:00 a.m.
Dept.: 1

**[PROPOSED] JUDGMENT AND ORDER GRANTING PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION SETTLEMENT**

1 On or around November 15, 2023, this Court issued an Order Granting Preliminary Approval
2 of Class Action Settlement. Daniel Hayes, Audrey Migliaccio, and Courtney Melvin
3 ("Plaintiffs") now seek an order granting final approval of the Class Action and PAGA Settlement
4 Agreement and Class Notice ("Settlement"), attached to the Declaration of Justin F. Marquez in
5 Support of Plaintiffs' Motion for Final Approval of Class Action Settlement as Exhibit 1.

6 Due and adequate notice having been given to the Class, and the Court having reviewed and
7 considered the Settlement, Plaintiffs' Notice of Motion and Motion for Final Approval of Class
8 Action Settlement, the supporting declarations and exhibits thereto, all papers filed and proceedings
9 had herein, and the absence of any written objections received regarding the proposed settlement,
10 and having reviewed the record in this action, and good cause appearing therefor,

11 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

12 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the
13 Settlement filed in this case.

14 2. The Court has jurisdiction over all claims asserted in the Action, Plaintiffs, the
15 Settlement Class Members, and Defendants Gonzalez Park, LLC and Projection Fusion, LLC
16 (collectively, "Defendants").

17 3. The Court finds that the Settlement Agreement appears to be fair, adequate, and
18 reasonable and therefore meets the requirements for final approval. The Court grants final approval
19 of the Settlement and the Settlement Class based upon the terms set forth in the Settlement
20 Agreement between Plaintiffs and Defendants, attached to the Declaration of Justin F. Marquez in
21 Support of Plaintiffs' Motion for Final Approval of Class Action Settlement as Exhibit 1.

22 4. The Court finds that the Settlement appears to have been made and entered into in
23 good faith and hereby approves the settlement subject to the limitations on the requested fees and
24 enhancements as set forth below.

25 5. Plaintiffs and all Participating Class Members shall have, by operation of this Final
26 Order and Judgment, fully, finally, and forever released, relinquished, and discharged Defendants
27 from all Released Claims as defined in the Settlement.

28 6. All Participating Class Members, on behalf of themselves and their respective

1 former and present representatives, agents, attorneys, heirs, administrators, successors, and
2 assigns, release Released Parties from all claims that were alleged, or reasonably could have been
3 alleged, based on the facts stated in the Operative Complaint and ascertained in the course of the
4 Action during the Class Period, including but not limited to any and all claims for: (1) failure to
5 pay minimum and straight time wages; (2) failure to pay overtime wages; (3) failure to provide
6 meal periods; (4) failure to authorize and permit rest periods; (5) failure to timely pay final wages
7 at termination; (6) failure to provide accurate itemized wage statements; (7) failure to indemnify
8 necessary business expenses; and (8) violation of California's Unfair Competition Law, California
9 Business and Professions Code §§ 17200, *et seq.*

10 7. All Participating and Non-Participating Class Members who are Aggrieved
11 Employees are deemed to release, on behalf of themselves and their respective former and present
12 representatives, agents, attorneys, heirs, administrators, successors, and assigns, the Released
13 Parties from all claims for PAGA penalties that were alleged, or reasonably could have been
14 alleged, based on the PAGA Period facts stated in the Consolidated Action, and the PAGA Notice
15 and ascertained in the course of the Action, including any and all claims for: (1) failure to pay
16 minimum and straight time wages; (2) failure to pay overtime wages; (3) failure to provide meal
17 periods; (4) failure to authorize and permit rest periods; (5) failure to timely pay final wages at
18 termination; (6) failure to provide accurate itemized wage statements; and (7) failure to indemnify
19 necessary business expenses. Aggrieved Employees only release these claims for the duration of
20 the PAGA Period.

21 8. As of the Effective Date, all members of the Settlement Class, except those that made
22 a valid and timely request to be excluded from the Settlement Class and Settlement, waive, release,
23 discharge, and promise never to assert in any forum or otherwise make a claim against any of the
24 Released Parties for any of the Released Claims arising during the Settlement Period. No Class
25 Member has submitted a request for exclusion from the proposed Settlement.

26 9. The Parties shall bear their own respective attorneys' fees and costs, except as
27 otherwise provided for in the Settlement and approved by the Court.

28 10. Solely for purposes of effectuating the settlement, the Court finally certified the

1 following Class: "all persons employed by Defendants in California and classified as a non-exempt
2 or hourly-paid employee who worked for Defendants during the Class Period."

3 11. The Class Period means the period from September 30, 2017 to February 14, 2023.

4 12. The PAGA Period means the period from October 1, 2020 to February 14, 2023.

5 13. No Class Members have objected to the terms of the Settlement.

6 14. The Notice provided to the Class conforms with the requirements of California Rules
7 of Court 3.766 and 3.769, and constitutes the best notice practicable under the circumstances, by
8 providing individual notice to all Class Members who could be identified through reasonable effort,
9 and by providing due and adequate notice of the proceedings and of the matters set forth therein to
10 the Class Members. The Notice fully satisfies the requirements of due process.

11 15. The Court finds the Gross Settlement Amount, the Net Settlement Amount, and the
12 methodology used to calculate and pay each Participating Class Member's Net Settlement Payment
13 are fair and reasonable and authorizes the Settlement Administrator to pay the Net Settlement
14 Payments to the Participating Class Members in accordance with the terms of the Settlement.

15 16. Defendants shall pay a total of \$637,500.00 to resolve this litigation and to separately
16 pay any and all employer payroll taxes owed on the Wage Portions of the individual class payments.

17 17. From the Gross Settlement Amount, \$15,000.00 shall be paid to the California Labor
18 and Workforce Development Agency, representing 75% of the penalties awarded under the terms of
19 the Joint Stipulation and Amendment pursuant to the Labor Code Private Attorneys General Act of
20 2004, California Labor Code section 2698, *et seq.*

21 18. From the Gross Settlement Amount, \$10,000.00 shall be paid to each Plaintiff for
22 their service as class representatives and for their agreement to release claims.

23 19. From the Gross Settlement Amount, \$14,770.00 shall be paid to the Settlement
24 Administrator, ILYM Group, Inc. ("ILYM").

25 20. The Court hereby confirms Justin F. Marquez, Benjamin H. Haber, and Daniel J.
26 Kramer of Wilshire Law Firm, PLC as Class Counsel.

27 21. From the Gross Settlement Amount, Class Counsel is awarded \$212,500.00 for their
28 reasonable attorneys' fees and \$15,924.48 for their reasonable costs incurred in the Action. The fees

1 and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court finds that
2 the fees are reasonable in light of the benefit provided to the Class.

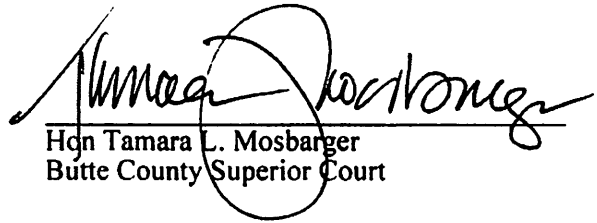
3 22. Notice of entry of this Final Approval Order and Judgment shall be given to Class
4 Members by posting a copy of the Final Approval Order and the Judgment on ILYM's website for a
5 period of at least sixty (60) calendar days after the date of entry of this Final Approval Order and
6 Judgment.

7 23. Without affecting the finality of this Order in any way, this Court retains continuing
8 jurisdiction over the implementation, interpretation, and enforcement of the Settlement with respect
9 to all Parties to this action, and their counsel of record.

10 24. Plaintiffs' Motion for Final Approval of Class Action Settlement is hereby granted
11 and the Court directs that judgment shall be entered in accordance with the terms of this Order.

12 **IT IS SO ORDERED.**

13
14 DATE: 5/1/2024

15 
16 Hon. Tamara L. Mosbarger
17 Butte County Superior Court
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28

PROOF OF SERVICE

Hayes, et al. v. Gonzales Park, LLC, et al.
21CV02456

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Jorge Grimaldy, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is jgrimaldy@wilshirelawfirm.com.

On April 9, 2024, I served the foregoing [PROPOSED] JUDGMENT AND ORDER GRANTING PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

Nathan W. Austin (SBN 219672)
Nathan.austin@jacksonlewis.com
Evan McBride (SBN 317393)
Evan.mcbride@jacksonlewis.com
Nicole Grandy
Nicole.grandy@jacksonlewis.com
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JACKSON LEWIS P.C.
400 Capitol Mall, Suite 1600
Sacramento, California 95814
Telephone: (916) 341-0404
Facsimile: (916) 341-0141

Attorneys for Defendant

- (X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.
- (X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

I declare under the penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on April 9, 2024, at Los Angeles, California.


Jorge Grimaldy



Superior Court of California
County of Butte

1775 Concord Ave
Chico CA 95928
Civil
530-532-7009

Justin F Marquez
Wilshire Law Firm
3055 Wilshire Blvd., 12th Floor
Los Angeles CA 90010

F Superior Court of California F
I County of Butte I
L MAY 01 2024 L
E Sharif Elmallah, Clerk E
D By S. DAVIS Deputy D

Re: Hayes, Daniel et al vs Gonzales Park, LLC et al

Case Number: 21CV02456

Proof of Mailing

I, Sharif Elmallah, Clerk of the Superior Court of the State of California, in and for the County of Butte, do hereby certify that on May 01, 2024, I served copies of Judgment and Order Granting Plaintiffs' Motion for Final Approval of Class Action Settlement, in the above entitled action by placing the document(s) for collection and mailing on the date shown, following standard court practices in a sealed envelope with postage fully prepaid, to the parties shown below. The mailing occurred in Chico, California.

Mailed to:

Justin F Marquez Wilshire Law Firm 3055 Wilshire Blvd., 12th Floor Los Angeles, CA 90010

May 01, 2024

Sharif Elmallah,
Clerk of the Superior Court
By: S. Davis, Deputy Clerk

AFTER 5 DAYS RETURN TO

SUPERIOR COURT OF CALIFORNIA, COUNTY OF BUTTE
NORTH BUTTE COUNTY COURTHOUSE
1775 CONCORD AVENUE
CHICO, CALIFORNIA 95928

RETURN SERVICE REQUESTED

NEOPOST

FIRST-CLASS MAIL

05/02/2024

US POSTAGE \$000.88⁰



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