

LIDMAN LAW, APC
Scott M. Lidman (SBN 199433)
slidman@lidmanlaw.com
Milan Moore (SBN 308095)
mmoore@lidmanlaw.com
2155 Campus Drive, Suite 150
El Segundo, California 90245
Tel: (424) 322-4772
Fax: (424) 322-4775

Attorneys for Plaintiff
ELIAS MORALES

HAINES LAW GROUP, APC
Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiff
ELIAS MORALES

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ELIAS MORALES, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

JB I INTERIORS, LLC., a Delaware limited
liability company; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: 21STCV43284

*[Assigned for All Purposes to Hon. Kenneth R.
Freeman, SSC-14]*

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, CLASS
REPRESENTATIVE'S SERVICE
PAYMENT, AND ATTORNEYS' FEES AND
COSTS**

Date: July 2, 2024
Time: 11:00 a.m.
Dept.: SSC-14

Action Filed: November 24, 2021
Trial Date: None Set

1 This matter came on regularly for hearing before this Court on July 2, 2024, pursuant to
2 California Rule of Court 3.769 and this Court's January 9, 2024 Order Granting Preliminary
3 Approval of Class Action Settlement ("Preliminary Approval Order"). Having considered the
4 parties' Amended Class Action and PAGA Settlement Agreement and Class Notice ¹ and the
5 documents and evidence presented in support thereof, and recognizing the sharply disputed
6 factual and legal issues involved in this case, the risks of further prosecution and the substantial
7 benefits to be received by the Settlement Class pursuant to the Settlement, the Court hereby
8 makes a final ruling that the proposed Settlement is fair, reasonable, and adequate, and is the
9 product of good faith, arm's-length negotiations between the parties. Good cause appearing
10 therefor, the Court hereby GRANTS Plaintiff's Motion for Final Approval of Class Action
11 Settlement and ORDERS as follows:

12 1. The conditional class certification contained in the Preliminary Approval Order is
13 hereby made final, and the Court thus certifies, for purposes of the Settlement only, a Settlement
14 Class consisting of:

15 All current and former hourly-paid, non-exempt employees who worked for
16 Defendant JBI Interiors, LLC in California at any time from November 24,
2017 through January 9, 2024.

17 2. Plaintiff Elias Morales is hereby confirmed as Class Representative, and Scott M.
18 Lidman and Milan Moore of Lidman Law, APC and Paul K. Haines of Haines Law Group, APC
19 are hereby confirmed as Class Counsel.

20 3. Notice was provided to the Settlement Class as set forth in the Settlement. The
21 form and manner of notice were approved by the Court on January 9, 2024 and the notice process
22 has been completed in conformity with the Court's Order. The Court finds that said notice was
23 the best notice practicable under the circumstances. The Class Notice provided due and adequate
24 notice of the proceedings and matters set forth therein, informed Settlement Class members of
25

26
27 ¹ Unless otherwise indicated, all terms used in this Order shall have the same meaning as that
assigned to them in the Settlement.

1 their rights, and fully satisfied the requirements of California Code of Civil Procedure § 1781(e),
2 California Rule of Court 3.769, and due process.

3 4. The Court finds that none of the 154 Settlement Class member objected to the
4 Settlement and no Settlement class member has opted out of the Settlement, and that the 100%
5 participation rate in the Settlement supports final approval.

6 5. The Court hereby approves the settlement as set forth in the Settlement
7 Agreement as fair, reasonable, and adequate, and directs the parties to effectuate the Settlement
8 Agreement according to its terms.

9 6. For purposes of settlement only, the Court finds that (a) the members of the
10 Settlement Class are ascertainable and so numerous that joinder of all members is impracticable;
11 (b) there are questions of law or fact common to the Settlement Class, and there is a well-defined
12 community of interest among members of the Settlement Class with respect to the subject matter
13 of the litigation; (c) the claims of the Class Representative are typical of the claims of the
14 members of the Settlement Class; (d) the Class Representative has fairly and adequately
15 protected the interests of the Settlement Class members; (e) a class action is superior to other
16 available methods for an efficient adjudication of this controversy; and (f) Class Counsel are
17 qualified to serve as counsel for the Class Representative and the Settlement Class.

18 7. The Court finds that given the absence of objections to the Settlement, and
19 objections being a prerequisite to appeal, that this Order shall be considered final as of the date
20 of notice of entry.

21 8. The Court orders that Defendant shall fully fund the Gross Settlement Amount,
22 and also fund the amounts necessary to fully pay Defendant's share of payroll taxes by
23 transmitting the funds to the Administrator as follows: (1) The payment of \$600,000.00 shall be
24 deposited with the Administrator within 30 days of the Effective Date; and (2) the employer's
25 share of payroll taxes be deposited with the Administrator within 30 days of the Effective Date.
26 "Effective Date" means the date by when both of the following have occurred: (a) the Court
27 enters a Judgment on its Order Granting Final Approval of the Settlement; and (b) the Judgment

1 is final. The Judgment is final as of the latest of the following occurrences: (a) if no Participating
2 Class Member objects to the Settlement, the day the Court enters Judgment; (b) if one or more
3 Participating Class Members objects to the Settlement, the day after the deadline for filing a
4 notice of appeal from the Judgment; or if a timely appeal from the Judgment is filed, the day
5 after the appellate court affirms the Judgment and issues a remittitur.

6 9. Any Settlement funds that remain uncashed after 180 calendar days after they are
7 mailed shall be delivered to the California State Controller's Office – Unclaimed Property Fund
8 in the name of the Settlement Class member.

9 10. The Court finds that the settlement payments, as provided for in the Settlement,
10 are fair, reasonable, and adequate, and orders the Settlement Administrator to distribute the
11 individual payments in conformity with the terms of the Settlement.

12 11. The Court finds that a service payment in the amount of \$5,000.00 for Plaintiff
13 Elias Morales is appropriate for his risks undertaken and service to the Settlement Class. The
14 Court finds that this award is fair, reasonable, and adequate, and orders that the Settlement
15 Administrator make this payment in conformity with the terms of the Settlement.

16 12. The Court finds that attorneys' fees in the amount of \$200,000.00, and actual
17 litigation costs of \$15,159.91 for Class Counsel, are fair, reasonable, and adequate, and orders
18 that the Settlement Administrator distribute these payments to Class Counsel in conformity with
19 the terms of the Settlement.

20 13. The Court orders that the Settlement Administrator shall be paid \$6,950.00 from
21 the Gross Settlement Amount for all of its work done and to be done until the completion of this
22 matter, and finds that sum appropriate.

23 14. The Court finds that the payment to the California Labor & Workforce
24 Development Agency ("LWDA") in the amount of \$22,500.00 for its 75% share of the
25 \$30,000.00 settlement of Plaintiff's representative action under the California Labor Code
26 Private Attorneys General Act ("PAGA") is fair, reasonable, and adequate, and orders the
27 Settlement Administrator to distribute this payment to the LWDA in conformity with the terms
28

of the Settlement. The remaining 25% or \$7,500.00 of the PAGA Amount is to be distributed to the 117 Aggrieved Employees in conformity with the terms of the Settlement. The highest Individual PAGA Payment to an Aggrieved Employee is \$81.46, and the average Individual PAGA Payment to be paid is \$64.10.

15. After the above deductions, attorneys' fees (\$200,000.00), attorneys' litigation costs (\$15,159.91), incentive payment to Plaintiff (\$5,000.00), Settlement Administrator costs (\$6,950.00), and the PAGA Amount to the LWDA (\$22,500.00), the Net Settlement Amount of \$350,390.09 is to be distributed to all 154 Settlement Class members, that worked a total of 30,096 workweeks during the Class Period, in conformity with the terms of the Settlement. The lowest Individual Settlement Share to be paid to a Settlement Class member is \$11.39, the highest Individual Settlement Share is \$3,634.43, and the average Individual Settlement Share to be paid is \$2,226.56.

16. Pursuant to the terms of the Settlement, the employer's share of payroll taxes for the portion of the Net Settlement Amount allocated to wages shall be paid by Defendant separately, and in addition to, the Gross Settlement Amount.

17. The Court finds and determines that upon satisfaction of all obligations under the Settlement and this Order, all Settlement Class members, will be bound by the Settlement, will have released the Released Claims as set forth in the Settlement, and will be permanently barred from prosecuting against Defendant any of the Released Claims pursuant to the Settlement.

18. The Settlement is not an admission by Defendant nor is this Order a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order, the Settlement, nor any document referred to herein, nor any action taken to carry out the Settlement, shall be construed or deemed an admission of liability, culpability, or wrongdoing on the part of Defendant.

18. The Court will retain jurisdiction to enforce the Settlement, this Final Approval Order, and the Judgment entered in connection with the Settlement.

1 19. A Non-Appearence Case Review Re. Distribution Report is scheduled for
2 February 28, 2025 at 4:00 p.m. in Department 14 at Spring Street Courthouse.

3 20. A declaration from the Settlement Administrator regarding the disbursement of
4 Settlement funds shall be filed on or before noon on February 26, 2025.

5 **IT IS SO ORDERED.**

6
7 Dated: _____, 2024

8 Honorable Kenneth R. Freeman
9 Judge of the Superior Court
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28