

ORIGINAL

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Superior Court of California
County of Marin

01/16/2024

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AMIKA KNIGHTEN, on behalf of herself and all others similarly situated, and on behalf of the
general public

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF MARIN

AMIKA KNIGHTEN, on behalf of herself and
all others similarly situated, and on behalf of
the general public,

Plaintiff,

vs.

SHALAMO INCORPORATED, a California
Corporation, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO.: CIV2200399

SPF

[PROPOSED] ORDER

BY FAX

~~PROPOSED~~ ORDER

WHEREAS, the Motion for Final Approval of Class and Representative Action Settlement came before this Court, the Honorable Stephen P. Freccero presiding, on January 16, 2024 at 1:30 p.m. The Court having considered all papers filed and proceedings herein, and determining that the settlement is fair, adequate, and reasonable, and otherwise being fully informed and good cause appearing therefore, it is hereby **ORDERED AS FOLLOWS**:

1. For the reasons set forth in the Preliminary Approval Order, which are adopted and incorporated herein by reference, this Court finds that the requirements of California Code of Civil Procedure section 382 and rule 3.769 of the California Rules of Court have been satisfied.

2. This Order hereby adopts and incorporates by reference the terms and conditions of the Class Action and PAGA Settlement Agreement ("Settlement Agreement" or "Settlement"), together with the definitions and terms use and contained therein.

3. The Court finds it has jurisdiction over the subject matter of the action and over the parties to the action, including all members of the Settlement.

4. The Class Notice fully and accurately informed Class Members of all material elements of the proposed settlement and of their opportunity to opt out or object; was the best notice practicable under the circumstances; was valid, due, and sufficient notice to all Class Members; and complied fully with the laws of the State of California and due process. The Class Notice fairly and adequately described the settlement and provided Class Members with adequate instructions and means to obtain additional information.

5. Class Members were given a full opportunity to participate in the Final Approval hearing, and all Class Members and other persons wishing to be heard have been heard. Accordingly, the Court determines that all Class Members who did not timely and properly opt out of the Settlement are bound by this Order.

6. Zero (0) Class Members objected to the Settlement and one (1) Class Member opted out.

7. The Court has considered all relevant factors for determining the fairness of the Settlement and has concluded that all such factors weigh in favor of granting final approval. In particular, the Court finds that the Settlement was reached following meaningful discovery and investigation conducted by Plaintiff's Counsel; that the Settlement is the result of serious, informed, adversarial, and arm's-length negotiations between the Parties; and that the terms of the

1 settlement are in all respects fair, adequate, and reasonable.

2 8. In so finding, the Court has considered all evidence presented, including evidence
3 regarding the strength of Plaintiff's case; the risk, expense, and complexity of the claims
4 presented; the likely duration of further litigation; the amount offered in settlement; the extent of
5 investigation and discovery completed; and the experience and views of counsel. The Parties have
6 provided the Court with sufficient information about the nature and magnitude of the claims being
7 settled, as well as the impediments to recovery, to make an independent assessment of the
8 reasonableness of the terms to which the Parties have agreed.

9 9. Accordingly, the Court hereby approves the Settlement as set forth in the
10 Settlement Agreement and expressly finds that the Settlement is, in all respects, fair, reasonable,
11 adequate, and in the best interests of the entire Settlement Class and hereby directs implementation
12 of all remaining terms, conditions, and provisions of the Settlement Agreement. The Court also
13 finds that settlement now will avoid additional and potentially substantial litigation costs, as well
14 as delay and risks if the Parties were to continue to litigate the case. Additionally, after considering
15 the monetary recovery provided by the Settlement in light of the challenges posed by continued
16 litigation, the Court concludes that the Settlement provides Class Members with fair and adequate
17 relief.

18 10. Solely for the purpose of settlement, the Court finally certifies the following Class:
19 all individuals who are or were previously employed by Defendant in California who were
20 classified as non-exempt during the period of February 16, 2018 to May 29, 2023.

21 11. The Court appoints Plaintiff Amika Knighten as Class Representative.

22 12. The Court appoints Otkupman Law Firm, A Law Corporation, as counsel for the
23 Class.

24 13. The Court confirms the appointment of Simpluris as Settlement Administrator and
25 awards six thousand dollars (\$6,000.00) in settlement administration costs to Simpluris.

26 14. The Court finds that:

- 27 a. the above-described Class contains members so numerous that the joinder of all
28 of them is impracticable;
- b. there are questions of law or fact common to the above-described Class;
- c. the claims of the Class Representative are typical of the claims of the Class that
Plaintiff seeks to represent; and
- d. the Class Representative and Plaintiff's Attorneys have fairly and adequately

protected the interests of the above-described Class.

15. The Parties and their counsel are ordered to implement and to consummate the Settlement Agreement according to its terms and provisions.

16. The Court grants a Class Representative Service Payment of ten thousand dollars (\$10,000.00) to Plaintiff Amika Knighten. The Class Representative Service Payment will be paid to Plaintiff in accordance with the terms of the Settlement Agreement.

17. The Court grants Plaintiff's request for an award of attorney's fees in the amount of thirty five thousand dollars (\$35,000.00) and Plaintiff's expenses of eight thousand five hundred fifty nine dollars and forty-eight cents (\$8,559.48). Plaintiff's Attorney's request for an award of reasonable attorney's fees and costs is justified in light of the following facts: (1) Plaintiff's attorneys vigorously investigated and prosecuted this case and achieved a favorable result for the Class; (2) the legal issues were novel and complex; (3) Defendant did not oppose the request; and (4) such other bases as offered by Plaintiff's Attorneys. The attorney's fees and costs shall be paid by Defendant in accordance with the terms of the Settlement Agreement.

IT IS SO ORDERED.

DATED: 01/16/2024



Honorable Stephen P. Freccero
Judge of the Superior Court