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7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF ORANGE**
10

11 ALEJANDRO RAMIREZ, on behalf of
12 himself and on behalf of all similarly
situated individuals,

13 Plaintiff,

14 v.

15 DE ANDA ENTERPRISES, INC., a
16 California corporation, and DOES 1
through 10, inclusive,

17 Defendants.
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

FEB 22 2024

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

CASE NO: 30-2021-01232142-CU-OE-CXC

*Assigned for all purposes to the Hon. William
Claster, Dept. CX101*

CLASS ACTION

**~~AMENDED PROPOSED~~ ORDER AND
JUDGMENT GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

DATE: February 2, 2024

TIME: 9:00 a.m.

DEPT.: CX101

Action Filed: November 16, 2021

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

12 On August 21, 2023, this Court entered an Order Granting Preliminary Approval of
13 Settlement, resulting in certification of the following provisional Settlement Class: "all persons
14 who are or were employed in California by Defendant as non-exempt employees at any point from
15 November 16, 2017 through November 30, 2022."

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

23 The Court, upon Notice having been given as required in the Preliminary Approval Order,
24 and having considered the Joint Stipulation of Class Action Settlement and Release of Claims, as
25 well as all papers filed, hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

26 1. This Court has jurisdiction over the subject matter of the Action and over all Parties
27 to the Action, including all members of the Settlement Class.
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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 Maximum Payment of \$150,000.

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

17 7. Zero (0) Class Member has requested exclusion from the Settlement.

18 8. Upon entry of this Order, compensation to the participating members of the
19 Settlement Class and all Aggrieved Employees shall be affected pursuant to the terms of the
20 Settlement Agreement.

21 9. In addition to any recovery that Plaintiff may receive from the Net Settlement
22 Proceeds, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
23 hereby approves the payment of an Enhancement Payment to Plaintiff Alejandro Ramirez in the
24 amount of Five Thousand Dollars (\$5,000). This shall be paid from the Maximum Payment.

25 10. The Court approves the payment of attorneys' fees to Class Counsel, Gaines &
26 Gaines, APLC, in the sum of Forty-Five Thousand Dollars (\$45,000), and the reimbursement of
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1 litigation expenses in the sum of Nine Thousand Eighty-Six Dollars and Eighty-Three Cents
2 (\$9,086.83). This shall be paid from the Maximum Payment.

3 11. The Court approves and orders payment in the amount of Five Thousand Dollars
4 (\$5,000) to Phoenix Settlement Administrators for performance of its settlement administration
5 services. This shall be paid from the Maximum Payment.

6 12. The Court approves and orders payment in the amount of Seven Thousand Five
7 Hundred Dollars (\$7,500) to the California Labor and Workforce Development Agency for its 75%
8 share of PAGA penalties. This shall be paid from the Maximum Payment.

9 13. Upon the entry of this Order and Judgment, and subject to the occurrence of the
10 Effective Date, Plaintiff, all participating Class Members, and all Aggrieved Employees shall be
11 bound by the releases of claims as set forth in the Settlement Agreement.

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

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

18 16. Pursuant to CCP § 384(b), Plaintiff shall submit to the Court a report on or before
19 July 31, 2024 setting forth the actual amounts paid to class members and other amounts disbursed
20 pursuant to the settlement. Upon receiving the report, the Court will determine whether further
21 reports and/or a hearing will be necessary.

22 **IT IS SO ORDERED.**

23
24 Dated: 2-22-24

25 
26 JUDGE OF THE SUPERIOR COURT
27 William D. Claster
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