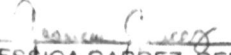


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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

NOV 13 2023

BY 
JESSICA GARCEZ, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

VIDA YAQUB, individually, and on behalf of all
others similarly situated,

Plaintiff,

vs.

SPOELSTRA LLC, a limited liability company
dba J&L DAY CARE; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: CIVSB2132322

CLASS AND REPRESENTATIVE ACTION

[Hon. Joseph T. Ortiz, Dep. S17-SBJC]

**[PROPOSED] ORDER AND JUDGMENT
GRANTING PLAINTIFF VIDA YAQUB'S
MOTION FOR FINAL APPROVAL OF
CLASS AND PAGA ACTION
SETTLEMENT**

*[Filed with Plaintiff Vida Yaqub's Notice of
Motion and Motion for Final Approval,
Declaration of Kane Moon, and Declaration
of Cassandra Polites]*

FINAL APPROVAL HEARING

Date: November 13, 2023

Time: 1:30 PM

Dept.: S17-SBJC

1 The Court issued an Order Granting Plaintiff Vida Yaqub's Motion for Preliminary
2 Approval of Class and PAGA Action Settlement on June 13, 2023. Plaintiff Vida Yaqub
3 ("Plaintiff") now seeks an Order and Judgment Granting Final Approval of the same Class
4 Action and PAGA Settlement and Class Notice ("Settlement") between Plaintiff and
5 Defendant Spoelstra LLC, dba J&L Day Care ("Defendant"), attached to the Declaration of
6 Kane Moon in Support of Plaintiff Vida Yaqub's Motion for Final Approval of Class and
7 PAGA Action Settlement as **Exhibit 1**.

8 The Court, having considered Plaintiff Vida Yaqub's Notice of Motion and Motion for
9 Final Approval of Class and PAGA Action Settlement ("Motion"), the supporting
10 Declarations and Exhibits therein, the records and files in this Action, and the absence of any
11 written objections received regarding the Settlement; and good cause appearing, **HEREBY**
12 **ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:**

13 The Court has jurisdiction over all claims asserted in this Action, Plaintiff, all
14 Participating Class Members, all Aggrieved Employees, and Defendant.

15 The Court, for purposes of this Final Order and Judgment, refers to all defined terms as
16 set forth in the Settlement.

17 The Settlement appears to have been made and entered into in good faith and is hereby
18 approved, subject to any limitations on the requested fees and payments as set forth below.

19 For purposes of effectuating the Settlement, the following Class is hereby certified: all
20 persons employed by Defendant in California and classified as non-exempt who worked for
21 Defendant in the period from July 21, 2020 to February 28, 2023. *Settlement*, ¶¶ 3, 4.

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

24 No Class Members have objected to the terms of the Settlement, and no Class Members
25 have requested exclusion from the Settlement.

1 Plaintiff and all Participating Class Members shall have, by operation of this Final
2 Order and Judgment, fully, finally and forever released, relinquished, and discharged all
3 Released Parties from all Released Class Claims and Released PAGA Claims as of the
4 Effective Date, as stated in the Settlement and reproduced here:

- 5 a. **Released Parties** means: Defendant and each of its former and present parents,
6 directors, officers, employees, agents, principals, heirs, representatives, accountants,
7 auditors, consultants, shareholders, owners, members, attorneys, insurers,
8 predecessors, successors, assigns, subsidiaries, and affiliates. *Settlement*, ¶ 1.41.
- 9 b. **Released Class Claims** means any and all claims and damages arising from any of
10 the facts alleged in Plaintiff's operative complaint for damages and PAGA Notice,
11 including Defendant's alleged violation of the California Business and Professions
12 Code sections 17200, et seq., for, inter alia, failure to pay overtime and minimum
13 wages, provide meal and rest periods and associated premium payments, timely pay
14 wages during employment and upon termination, provide compliant wage
15 statements, maintain complete and accurate payroll records, and reimburse
16 necessary business-related expenses, as well as all claims for failure to pay
17 minimum wage, failure to pay overtime wages, failure to provide meal and rest
18 periods and associated premium payments, timely pay wages during employment
19 and upon termination, failure to issue accurate itemized wage statements, and
20 Defendant's alleged unfair business practices stemming from these alleged Labor
21 Code violations. *Settlement*, ¶¶ 1.39, 5.2. Except as set forth in Section 5.3 of the
22 Agreement, Participating Class Members do not release any other claims,
23 including claims for vested benefits, wrongful termination, violation of the Fair
24 Employment and Housing Act, unemployment insurance, disability, social
25 security, workers' compensation, or claims based on facts occurring outside the
26 Class Period. *Settlement*, ¶ 5.2.
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- 1 c. **Released PAGA Claims** means all claims and damages arising under PAGA, as
2 alleged in the First Amended Complaint filed by Plaintiff and Plaintiff's notice
3 letter to the LWDA. *Settlement*, ¶¶ 1.40, 5.3.
- 4 d. **Effective Date** means the date by when both of the following have occurred: (a) the
5 Court enters a Judgment on its Order Granting Final Approval of the Settlement;
6 and (b) the Judgment is final. *Settlement*, ¶ 1.18. The Judgment is final as of the
7 latest of the following occurrences: (a) if no Participating Class member objects
8 to the Settlement, the day the Court enters Judgment; (b) if one or more
9 Participating Class members objects to the Settlement, the day after the deadline
10 for filing a notice of appeal from the Judgment; or if a timely appeal from the
11 Judgment is filed, the day after the appellate court affirms the Judgment and
12 issues a remittitur. *Id.*

13 The Gross Settlement Amount, Net Settlement Amount, and methodology used to
14 calculate and pay the Individual Class Settlement Payments and Individual PAGA Settlement
15 Payments are fair and reasonable. The Administrator is authorized to pay the Individual Class
16 Settlement Payments and Individual PAGA Settlement Payments to the Participating Class
17 Members and Aggrieved Employees in accordance with the terms of the Settlement.

18 Defendant shall pay a total of \$250,000.00 to resolve this litigation. Defendant will
19 fund the settlement account within fourteen (14) days of the Effective Date. *Settlement*, ¶ 4.3.
20 The Administrator shall mail the Individual Class Settlement Payments and Individual PAGA
21 Settlement Payments within fourteen (14) days of the receipt of funding. *Settlement*, ¶ 4.4.

22 From the Gross Settlement Amount, an LWDA Payment of \$15,000.00 shall be paid to
23 the California Labor and Workforce Development Agency ("LWDA"), representing 75% of
24 the PAGA Allocation awarded under the terms of the Settlement, pursuant to the California
25 Private Attorneys General Act of 2004, *Labor Code* sections 2698, *et. seq.*

26 From the Gross Settlement Amount, a Class Representative Service Payment in the
27 amount of \$9,000.00 shall be paid to Vida Yaqub for her service as Class Representative and
28 general release of claims. Vida Yaqub is hereby confirmed as Class Representative.

1 From the Gross Settlement Amount, Class Counsel Fees Payment in the amount of
2 \$83,333.33 and Class Counsel Litigation Expenses Payment in the amount of \$17,166.50 shall
3 be paid to Class Counsel for their reasonable fees and actual costs incurred in furtherance of
4 this Action. The fees and costs shall be distributed to Class Counsel as set forth in the
5 Settlement. The Court finds that the fees are reasonable in light of the benefit provided to the
6 Class. Moon Law Group, PC is hereby confirmed as Class Counsel.

7 From the Gross Settlement Amount, Administration Expenses Payment in the amount
8 of \$7,350.00 shall be paid to the designated Administrator, ILYM Group, Inc.

9 The Notice provided to the Class conforms with the requirements of *California Rules*
10 *of Court* rules 3.766 and 3.769, and constitutes the best notice practicable under the
11 circumstances, providing (a) individual notice to all Class Members who could be identified
12 through reasonable effort and (b) due and adequate notice of the proceedings and matters set
13 forth therein to the Class Members. The Notice fully satisfies the requirements of Due
14 Process.

15 The Parties are ordered to have notice of this Final Order and Judgment sent to all
16 Participating Class Members and Aggrieved Employees in accordance with *California Rules*
17 *of Court* section 3.771(b), along with the Individual Class Settlement Payments and Individual
18 PAGA Settlement Payments issued via First Class U.S. Mail to their last known addresses and
19 to the LWDA, pursuant to *Labor Code* section 2699(1)(3).

20 This Judgment is intended to be a final disposition of the Action in its entirety and is
21 intended to be immediately appealable.

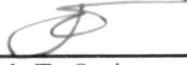
22 This Court shall retain jurisdiction with respect to all matters related to the
23 administration and consummation of the Settlement and any and all claims asserted in, arising
24 out of, or related to the subject matter of the lawsuit, including, but not limited to, all matters
25 related to the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

26 Plaintiff Vida Yaqub's Motion for Final Approval of Class and PAGA Action
27 Settlement is hereby granted, and the Court directs that Judgment shall be entered in
28 accordance with the terms of this Order.

1 The Court sets a Non-Appearence Hearing (Case Review) Re: Distribution on
2 November 14, 2024 at 8:30^{pm} in Department S17-SBJC. Class Counsel is ordered
3 to file a final report and declaration regarding distribution no later than
4 10 days prior.

5 **IT IS SO ORDERED.**

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7 DATE: Nov. 13, 2023

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9 _____
10 Honorable Joseph T. Ortiz
11 Judge of the Superior Court of California for the
12 County of San Bernardino
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