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

LAURA TORRES, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

R.A. PHILLIPS INDUSTRIES, INC., a
California corporation; and DOES 1 through
100, inclusive,

Defendants.

Case No. 21STCV41572

*[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: October 15, 2024
Time: 11:00 a.m.
Dept.: SSC-14

Action Filed: November 10, 2021
Trial Date: None Set

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 410 Settlement Class members objected to the
4 Settlement and four (4) Settlement Class Members have opted out of the Settlement, and that the
5 99.02% participation rate in the Settlement supports final approval. The names of the valid opt
6 outs are: Yanisleidys Perez Carmona, David Martinez, Haydee E. Diaz, and Jose Melara.

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

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

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

22 8. The Court orders that Defendant shall fully fund the Gross Settlement Amount,
23 and also fund the amounts necessary to fully pay Defendant's share of payroll taxes by
24 transmitting the funds to the Administrator as follows: The payment of \$443,061.17, including
25 all amounts necessary to fully pay Defendant's share of payroll taxes, shall be deposited with
26 the Administrator no later than 10 business days after the Effective Date. "Effective Date" means
27 the earliest date by which both of the following have occurred: (a) the Court enters a Judgment

1 based on its Final Approval of the Settlement; and (b) the Judgement becomes final. The
2 Judgment becomes final as of the latest of the following occurrences: (a) if no Participating Class
3 Member objects to the Settlement, the day the Court enters Judgment; or (b) if one or more
4 Participating Class members object to the Settlement, the first day when the Judgment can no
5 longer be appealed, which is either (i) the day after the deadline for filing a notice of appeal from
6 the Judgment, if no timely appeal from the Judgment is filed, or (ii) the day after the appellate
7 court affirms the Judgment and issues a remittitur, if an appeal from the Judgment is timely filed.

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

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

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

18 12. The Court finds that attorneys' fees in the amount of \$147,687.06, and actual
19 litigation costs of \$27,222.80 for Class Counsel, are fair, reasonable, and adequate, and orders
20 that the Settlement Administrator distribute these payments to Class Counsel in conformity with
21 the terms of the Settlement.

22 13. The Court orders that the Settlement Administrator shall be paid \$10,000.00 from
23 the Gross Settlement Amount for all of its work done and to be done until the completion of this
24 matter, and finds that sum appropriate.

25 14. The Court finds that the payment to the California Labor & Workforce
26 Development Agency ("LWDA") in the amount of \$22,500.00 for its 75% share of the
27 \$30,000.00 settlement of Plaintiff's representative action under the California Labor Code

Private Attorneys General Act (“PAGA”) is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute this payment to the LWDA in conformity with the terms of the Settlement. The remaining 25% or \$7,500.00 of the PAGA Amount is to be distributed to the 312 Aggrieved Employees in conformity with the terms of the Settlement. The highest Individual PAGA Payment to an Aggrieved Employee is \$39.42, and the average Individual PAGA Payment to be paid is \$24.04.

15. After the above deductions, attorneys’ fees (\$147,687.06), attorneys’ litigation costs (\$27,222.80), incentive payment to Plaintiff (\$5,000.00), Settlement Administrator costs (\$10,000.00), and the PAGA Amount to the LWDA (\$22,500.00), the Net Settlement Amount of \$230,651.31 is to be distributed to 406 Settlement Class members, that worked a total of 67,445 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 \$3.37, the highest Individual Settlement Share is \$1,078.86, and the average Individual Settlement Share to be paid is \$549.63.

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, except the four (4) valid opt outs (Yanisleidys Perez Carmona, David Martinez, Haydee E. Diaz, and Jose Melara), 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,

1 shall be construed or deemed an admission of liability, culpability, or wrongdoing on the part of
2 Defendant.

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

5 19. A Non-Appearance Case Review Re. Distribution Report is scheduled for June
6 6, 2025 in Department SSC-14 at Spring Street Courthouse.

7 20. A declaration from the Settlement Administrator regarding the disbursement of
8 Settlement funds shall be filed on or before noon on May 30, 2025.

9 **IT IS SO ORDERED.**

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11 Dated: _____, 2024

12 Honorable Kenneth R. Freeman
13 Judge of the Superior Court
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