

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 199433 NAME: Scott M. Lidman FIRM NAME: LIDMAN LAW, APC STREET ADDRESS: 2155 Campus Drive, Suite 150 CITY: El Segundo STATE: CA ZIP CODE: 90245 TELEPHONE NO.: (424) 322-4772 FAX NO.: (424) 322-4775 E-MAIL ADDRESS: slidman@lidmanlaw.com; tgose@lidmanlaw.com ATTORNEY FOR (name): Plaintiff Laura Torres	FOR COURT USE ONLY FILED Superior Court of California County of Los Angeles 10/18/2024 David W. Slayton, Executive Officer / Clerk of Court
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 312 N. Spring Street MAILING ADDRESS: 312 N. Spring Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Spring Street Courthouse	
PLAINTIFF/PETITIONER: Laura Torres DEFENDANT/RESPONDENT: R.A. Phillips Industries, Inc. OTHER:	By: <u>I. Arellanes</u> Deputy CASE NUMBER: 21STCV41572 JUDICIAL OFFICER: Hon. Kenneth R. Freeman
PROPOSED ORDER (COVER SHEET)	DEPT: SSC-14

NOTE: This cover sheet is to be used to electronically file and submit to the court a proposed order. The proposed order sent electronically to the court must be in PDF format and must be attached to this cover sheet. In addition, a version of the proposed order in an editable word-processing format must be sent to the court at the same time as this cover sheet and the attached proposed order in PDF format are filed.

1. Name of the party submitting the proposed order:
Plaintiff Laura Torres
2. Title of the proposed order:
[Proposed] Order Granting Plaintiff's Motion for Final Approval of Class Action Settlement, Class Representative's Service Payment, and Attorneys' Fees and Costs
3. The proceeding to which the proposed order relates is:
 - a. Description of proceeding: Motion for Final Approval of Class Action Settlement
 - b. Date and time: October 15, 2024 at 11:00 a.m.
 - c. Place: Spring Street Courthouse, 312 N. Spring Street, Los Angeles, CA 90012 in Department SSC-14
4. The proposed order was served on the other parties in the case.

Scott M. Lidman

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY)

CASE NAME:

Laura Torres v. R.A. Phillips Industries, Inc.

CASE NUMBER:

21STCV41572

**PROOF OF ELECTRONIC SERVICE
PROPOSED ORDER**

1. I am at least 18 years old and **not a party to this action.**

a. My residence or business address is (*specify*):

LIDMAN LAW, APC; 2155 Campus Drive, Suite 150; El Segundo, CA 90245

b. My electronic service address is (*specify*): majanel@lidmanlaw.com

2. I electronically served the *Proposed Order (Cover Sheet)* with a proposed order in PDF format attached, and a proposed order in an editable word-processing format as follows:

a. On (*name of person served*) (*If the person served is an attorney, the party or parties represented should also be stated.*):

Sabrina L. Shadi, Esq.; Nicholas D. Poper, Esq.; Matthew J. Goodman, Esq.

Attorneys for Defendant, R. A. PHILLIPS INDUSTRIES, INC.

[By electronic service via transmission through Case Anywhere]

b. To (*electronic service address of person served*): sshadi@bakerlaw.com; npoper@bakerlaw.com; mgoodman@bakerlaw.com

c. On (*date*): October 16, 2024

☒ Electronic service of the *Proposed Order (Cover Sheet)* with the attached proposed order in PDF format and service of the proposed order in an editable word-processing format on additional persons are described in an attachment.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: October 16, 2024

Marlyn Ajanel

(TYPE OR PRINT NAME OF DECLARANT)



(SIGNATURE OF DECLARANT)

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Attorneys for Plaintiff
LAURA TORRES

**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 This matter came on regularly for hearing before this Court on October 15, 2024,
2 pursuant to California Rule of Court 3.769 and this Court's April 30, 2024 Order Granting
3 Preliminary Approval of Class Action Settlement ("Preliminary Approval Order"). Having
4 considered the parties' Amended Joint Stipulation and Settlement Agreement¹ 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 or non-exempt employees of Defendant
16 R.A. Phillips Industries, Inc. in California at any time between November
10, 2017 and April 18, 2024.

17 2. Plaintiff Laura Torres 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 April 30, 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 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 7~~ 25/2025
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.**

10
11 Dated: 10/18/2024 ~~, 2024~~




Honorable Kenneth R. Freeman
Judge of the Superior Court
Kenneth R. Freeman/Judge