

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 02/07/2025

TIME: 9:30 AM

DEPT: C-71

JUDICIAL OFFICER: GREGORY W. POLLACK

CLERK: Valeria Contreras

REPORTER/ERM:

BAILIFF/COURT ATTENDANT: D. DiValerio

CASE NO: **37-2021-00046190-CU-OE-CTL** CASE INIT.DATE: 10/29/2021

CASE TITLE: **WARFIELD vs PROJECT M WORLDWIDE LP [E-FILE]**

CASE CATEGORY: Civil CASE TYPE: (U)Other Employment

HEARING TYPE: Motion Hearing

MOVING PARTY:

APPEARANCES

There are no appearances by any party.

The Court rules on the motion for final approval of class action settlement and final approval as follows:

This unopposed motion is granted for the reasons stated below.

The terms of the settlement are as follows: Defendants Project M Worldwide L.P. dba McDonald's. PMW Acquisition, L.P. dba McDonald's, and Samod, L.P. dba McDonald's (collectively Defendants) will pay a gross settlement of \$2,100,000.00 to the class, which includes attorneys' fees and costs, settlement administration costs, a representative enhancement and PAGA payments to the LWDA and the class. (O'Connor Dec., ¶14.)

There have been no objections or opt outs. (O'Connor Dec., ¶¶10-11.)

Legal Standard. When faced with a motion for final approval of a class action settlement, a court's inquiry is whether the settlement is "fair, adequate and reasonable." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801 fn. 7 (hereafter *Dunk*)). California strongly favors settlements. (*Western Steamship Lines, Inc. v. San Pedro Peninsula Hosp.* (1994) 8 Cal.4th 100, 110.)

The presumption of fairness exists where, as here "(1) the settlement is reached through arm's length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation, and (4) the percentage of objectors is small. (*Dunk, supra*, 48 Cal.App.4th at p. 1802.)

The factors that courts routinely consider in reviewing a proposed settlement are: (1) the strength of the plaintiffs' case, (2) the risk, complexity, length, and expense of continued litigation, (3) the risk of maintaining class action status through trial, (4) the amount offered in settlement, (5) the stage of the proceedings and the amount of discovery already undertaken at the time of the settlement, (6) the experience and views of counsel, and (7) the reaction of the class members to the proposed settlement. (*7-Eleven Owners for Fair Franchising v. Southland Corp.* (2000) 85 Cal.App.4th 1135, 1166-1167.)

Here, Plaintiffs Skylar Warfield and Gloria Serrano's (collectively Plaintiffs) presented evidence establishing that the settlement is fair and adequate. (DeSario Dec., ¶11.) The parties engaged in arm's length negotiations and investigation. (*Id.*, at ¶¶6-11.) Finally, counsel for Plaintiff is experienced and skilled in class actions. (*Id.*, at ¶¶28-37.)

In addition, Defendants do not oppose the following proposed payments: (1) Class representative payments of \$10,000.00 each (\$20,000.00 total), (2) attorney fees and litigation costs of \$700,000.00 and \$19,268.79, respectively, (3) claims administration costs of \$17,500.00, and (4) LWDA penalties totaling \$30,000.00 (\$22,500.00 to LWDA, \$7,500.00 to Aggrieved Employees). (DeSario Dec., Exh. 1.)
IT IS SO ORDERED.

Gregory W. Pollack

Judge Gregory W. Pollack

RECEIVED
January 15, 2025

FILED
Clerk of the Superior Court

FEB 07 2025

By: V. Contreras, Deputy

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Attorneys for Plaintiffs

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

SKYLAR WARFIELD, individually, and on
behalf of all others similarly situated,

Plaintiff,

v.

PROJECT M WORLDWIDE L.P. DBA
MCDONALD'S, a California corporation;
PMW ACQUISITION, L.P. DBA
MCDONALD'S, a California corporation;
SAMOD, L.P. DBA MCDONALD'S, a
California corporation; and DOES 1 through
10, inclusive,

Defendants.

Case No. 37-2021-00046190-CU-OE-CTL

CLASS & REPRESENTATIVE ACTION

[Assigned for all purposes to Hon. Gregory W.
Pollack, Dept. C-71]

[PROPOSED] JUDGMENT AND ORDER
GRANTING PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT

FINAL APPROVAL HEARING

Date: February 7, 2025
Time: 9:30 a.m.
Dept.: C-71

Complaint filed: October 29, 2021
FAC filed: April 17, 2023
Trial date: Not set

[PROPOSED] JUDGMENT AND ORDER GRANTING PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF CLASS ACTION SETTLEMENT

1 On or around July 5, 2024, this Court issued an Order Granting Preliminary Approval of
2 Class Action Settlement. Plaintiffs Skylar Warfield and Gloria Serrano (collectively, "Plaintiffs")
3 now seek an order granting final approval of the Class Action and PAGA Settlement Agreement and
4 Class Notice (the "Settlement Agreement"). The Settlement Agreement is attached to the
5 Declaration of Molly DeSario in Support of Plaintiffs' Motion for Final Approval of Class Action
6 Settlement as Exhibit 1.

7 Due and adequate notice having been given to the Class, and the Court having reviewed and
8 considered the Settlement, Plaintiffs' Notice of Motion and Motion for Final Approval of Class
9 Action Settlement, the supporting declarations and exhibits thereto, all papers filed and proceedings
10 had herein, and the absence of any written objections received regarding the proposed settlement,
11 and having reviewed the record in this action, and good cause appearing therefor,

12 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

13 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the
14 Settlement filed in this case.

15 2. The Court has jurisdiction over all claims asserted in the Action, Plaintiffs, the
16 Settlement Class Members, and Defendants Project M Worldwide L.P. dba McDonald's, PMW
17 Acquisition, L.P. dba McDonald's, and Samod, L.P. dba McDonald's (collectively, "Defendants").

18 3. The Court finds that the Settlement Agreement appears to be fair, adequate, and
19 reasonable and therefore meets the requirements for final approval. The Court grants final approval
20 of the Settlement and the Settlement Class based upon the terms set forth in the Settlement
21 Agreement attached to the Declaration of Molly DeSario in Support of Plaintiffs' Motion for Final
22 Approval of Class Action Settlement as Exhibit 1.

23 4. The Court finds that the Settlement appears to have been made and entered into in
24 good faith and hereby approves the settlement subject to the limitations on the requested fees and
25 enhancements as set forth below.

26 5. Plaintiffs and all Participating Class Members shall have, by operation of this Final
27 Order and Judgment, fully, finally, and forever released, relinquished, and discharged Defendants
28 from all Released Claims as defined in the Settlement.

1 6. All Participating Class Members, on behalf of themselves and their respective
2 former and present representatives, agents, attorneys, heirs, administrators, successors, and
3 assigns, release Released Parties from (i) all claims that were alleged, or reasonably could have
4 been alleged, based on the Class Period facts stated in the First Amended Complaint, including
5 any and all claims involving: (1) any alleged failure to pay overtime wages; (2) any alleged failure
6 to pay minimum and straight time wages; (3) any alleged failure to provide complaint meal periods,
7 or compensation in lieu thereof; (4) any alleged failure to provide compliant rest periods, or
8 compensation in lieu thereof; (5) any alleged failure to pay wages due upon termination or
9 resignation; (6) any alleged failure to provide compliant wage statements; (7) any alleged failure
10 to reimburse business expenses; and (8) any alleged unlawful, unfair, or fraudulent business acts
11 or practices under California Business & Professions Code section 17200, et seq., arising out of
12 the Labor Code and Industrial Welfare Commission ("IWC") Wage Order violations referenced in
13 the First Amended Complaint.

14 7. As of the Effective Date, all members of the Settlement Class, except those that made
15 a valid and timely request to be excluded from the Settlement Class and Settlement, waive, release,
16 discharge, and promise never to assert in any forum or otherwise make a claim against any of the
17 Released Parties for any of the Released Claims arising during the Settlement Period. No Class
18 Member has excluded themselves from the Settlement and no Class Member has objected to the
19 Settlement.

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

22 9. Solely for purposes of effectuating the settlement, the Court finally certified the
23 following Class, all persons who worked for any Defendant in California as an hourly-paid or non-
24 exempt employee at any time during the relevant Class Period.

25 10. No Class Members have objected to the terms of the Settlement.

26 11. The Notice provided to the Class conforms with the requirements of California Rules
27 of Court 3.766 and 3.769, and constitutes the best notice practicable under the circumstances, by
28 providing individual notice to all Class Members who could be identified through reasonable effort,

1 and by providing due and adequate notice of the proceedings and of the matters set forth therein to
2 the Class Members. The Notice fully satisfies the requirements of due process.

3 12. The Court finds the Gross Settlement Amount, the Net Settlement Amount, and the
4 methodology used to calculate and pay each Participating Class Member's Net Settlement Payment
5 are fair and reasonable and authorizes the Settlement Administrator to pay the Net Settlement
6 Payments to the Participating Class Members in accordance with the terms of the Settlement.

7 13. Defendants shall pay a total of \$2,100,000.00 to resolve this litigation and to
8 separately pay any and all employer payroll taxes owed on the Wage Portions of the individual class
9 payments.

10 14. From the Gross Settlement Amount, \$22,500.00 shall be paid to the California Labor
11 and Workforce Development Agency, representing 75% of the penalties awarded under the terms of
12 the Joint Stipulation and Amendment pursuant to the Labor Code Private Attorneys General Act of
13 2004, California Labor Code section 2698, *et seq.*

14 15. From the Gross Settlement Amount, \$10,000.00 (\$20,000.00 total) shall be paid to
15 each Plaintiff for their service as class representatives and for their agreement to release claims.

16 16. From the Gross Settlement Amount, \$17,500.00 shall be paid to the Settlement
17 Administrator, CPT Group, Inc. ("CPT").

18 17. The Court hereby confirms Molly DeSario and Arsiné Grigoryan of Wilshire Law
19 Firm, PLC and Farzad Rastegar and Douglas W. Perlman of Rastegar Law Group, APC as Class
20 Counsel.

21 18. From the Gross Settlement Amount, Class Counsel is awarded \$700,000.00 for their
22 reasonable attorneys' fees and \$19,268.79 for their reasonable costs incurred in the Action. The fees
23 and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court finds that
24 the fees are reasonable in light of the benefit provided to the Class.

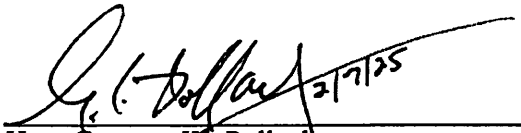
25 19. Notice of entry of this Final Approval Order and Judgment shall be given to Class
26 Members by posting a copy of the Final Approval Order and the Judgment on CPT's website for a
27 period of at least forty-five (45) calendar days after the date of entry of this Final Approval Order
28 and Judgment.

1 20. Without affecting the finality of this Order in any way, this Court retains continuing
2 jurisdiction over the implementation, interpretation, and enforcement of the Settlement with respect
3 to all Parties to this action, and their counsel of record.

4 21. Plaintiffs' Motion for Final Approval of Class Action Settlement is hereby granted
5 and the Court directs that judgment shall be entered in accordance with the terms of this Order.

6 **IT IS SO ORDERED.**

7
8 DATE:


Hon. Gregory W. Pollack
San Diego County Superior Court

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss

On January 15, 2025, I served the foregoing **[PROPOSED] JUDGMENT AND ORDER GRANTING PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**, on the interested parties by the following methods of service:

Farzad Rastegar (SBN 155555)
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Attorneys for Plaintiff Gloria Serrano

(X) **BY UPLOAD:** I hereby certify that the documents were uploaded by my office to the State of California Labor and Workforce Development Agency Online Filing Site.

Executed this **January 15, 2025**, at Los Angeles, California.


Sandy S. Sespene

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

Central
330 W. Broadway
San Diego CA 92101

SHORT TITLE: WARFIELD VS PROJECT M WORLDWIDE LP [E-FILE]**CLERK'S CERTIFICATE OF SERVICE BY MAIL**

CASE NUMBER:
37-2021-00046190-CU-OE-CTL

I certify that I am not a party to this cause. I certify that a true copy of minute order dated 02/07/2025 was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California on 02/18/2025.

Clerk of the Court, by: V. Contreras, Deputy

JUSTIN F. MARQUEZ
WILSHIRE LAW FIRM PLC
3055 WILSHIRE BLVD SUITE 510
LOS ANGELES CA 90010

KATHERINE CAROL DENBLEYKER
OHAGAN MEYER LLP
550 S HOPE ST 2400
LOS ANGELES CA 90071

CLERK'S CERTIFICATE OF SERVICE BY MAIL

Superior Court of California
County of San Diego
CENTRAL COURT SUPPORT
RM /DEPT. 71
1100 UNION ST.
PO BOX 120128
SAN DIEGO, CA 92101

RETURN
SERVICE
REQUESTED



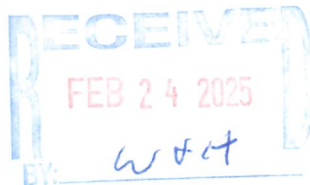
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02/20/2025 ZIP 92101
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JUSTIN F. MARQUEZ
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