

F I L E D
San Diego Superior Court

AUG 29 2025

Clerk of the Superior Court
By: K. Mulligan, Deputy

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

FERNANDO HERRERA, individually and
on behalf of all others similarly situated,

Plaintiff,

vs.

ST. PAUL'S EPISCOPAL HOME, INC.;
and DOES 1 through 20, inclusive,

Defendants.

Case No. 37-2021-00050163-CU-OE-CTL
[Consolidated with Case No. 37-2022-00022641-
CU-OE-CTL and Case No. 37-2023-00002553-
CU-OE-CTL]

Assigned for all purposes to
Hon. Judge Blaine K. Bowman
Dept. 74

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

Date: August 29, 2025
Time: 8:30 a.m.
Dept: 74

1 This matter came on for hearing on August 29, 2025, at 8:30 a.m., in Department 74 of
2 the above-captioned Court on the Motion for Final Approval of Class Action Settlement pursuant
3 to California Rule of Court 3.769, this Court's Order Granting Preliminary Approval, and the
4 Class Action and PAGA Settlement Agreement ("Settlement Agreement"), a copy of which was
5 filed in conjunction with the Plaintiffs' Motion for Final Approval of Class Action Settlement.

6 Having received and considered the Settlement Agreement, the supporting papers filed by
7 the Parties, and the evidence and argument received by the Court in conjunction with the
8 unopposed Motion for Preliminary Approval of Class Action Settlement and the instant Motion
9 for Final Approval, the Court grants final approval of the Settlement and HEREBY ORDERS
10 AND MAKES THE FOLLOWING DETERMINATIONS:

11 1. Pursuant to the Order Granting Preliminary Approval, a Notice Packet was sent to
12 each Class Member by first-class mail. These papers informed the Class of the terms of the
13 Settlement, their right to receive an Individual Settlement Payment, their right (a) to comment on
14 or object to the Settlement, (b) to request exclusion from the Settlement and pursue their own
15 remedies, and (c) of their right to appear in person or by counsel at the final approval hearing and
16 to be heard regarding approval of the Settlement. Adequate periods of time were provided by
17 each of these procedures. No member of the Class filed written objection to the proposed
18 Settlement as part of this notice process or stated an intention to appear at the final approval
19 hearing.

20 2. The Court finds and determines that this notice procedure afforded adequate
21 protections to Class Members and provides the basis for the Court to make an informed decision
22 regarding approval of the Settlement based on the responses of the Class. The Court finds and
23 determines that the notice provided in this case was the best notice practicable, which satisfied
24 the requirements of law and due process.

25 3. With respect to the Class and for purposes of approving this Settlement only, this
26 Court finds and concludes that: (a) the members of the Class are ascertainable and so numerous
27 that joinder of all members is impracticable; (b) there are questions of law or fact common to the
28 Class, and there is a well-defined community of interest among members of the Class with respect

1 to the subject matter of the Action; (c) the claims of Class Representative are typical of the claims
2 of the members of the Class; (d) the Class Representative has fairly and adequately protected the
3 interests of the members of the Class; (e) a class action is superior to other available methods for
4 an efficient adjudication of this controversy; and (f) the counsel of record for the Class
5 Representative, i.e., Class Counsel, are qualified to serve as counsel for Plaintiffs in their
6 individual and representative capacities for the Class.

7 4. The Court has certified a Class, as that term is defined in and by the terms
8 of the Settlement Agreement as any and all non-exempt employees who worked for Defendants
9 during the Class Period (i.e. November 30, 2017 to September 21, 2024), and did not sign an
10 arbitration agreement containing a class action waiver or who signed arbitration agreements that
11 contained the same language as in the arbitration agreements signed by Plaintiffs Herrera and
12 Ayala, and the Court deems this definition sufficient for purposes of California Rule of Court
13 3.765(a).

14 5. The Court hereby confirms Norman B. Blumenthal, Kyle R. Nordrehaug, and
15 Aparajit Bhowmik of Blumenthal Nordrehaug Bhowmik De Blouw LLP ("BNBD"); Samuel A.
16 Wong, Kashif Haque, and Jessica L. Campbell of Aegis Law Firm, PC ("Aegis"); and Jill J. Parker
17 and S. Emi Minne of Parker & Minne, LLP ("P&M") as Class Counsel.

18 6. The Court hereby confirms Plaintiffs Fernando Herrera, Victoria Garcia, and
19 Martha Ayala as the Class Representative in this Action.

20 7. The Court finds and determines that the terms set forth in the Settlement
21 Agreement are fair, reasonable, and adequate and directs the Parties to effectuate the Settlement
22 according to its terms, having found that the Settlement was reached as a result of informed and
23 non-collusive arm's-length negotiations facilitated by a neutral mediator. The Court further finds
24 that the Parties conducted extensive investigation and that their attorneys were able to reasonably
25 evaluate their respective positions. The Court also finds that the Settlement will enable the Parties
26 to avoid additional and potentially substantial litigation costs, as well as delay and risks if the
27 Parties were to continue to litigate the case. The Court has reviewed the monetary recovery
28 provided as part of the Settlement and recognizes the significant value accorded to the Class.

1 8. The Court further finds and determines that the terms of the Settlement are fair,
2 reasonable and adequate to the Class and to each Participating Class Member and that the
3 Settlement is ordered finally approved, and that all terms and provisions of the Settlement should
4 be and hereby are ordered to be consummated.

5 9. The Court hereby approves the Gross Settlement Amount of \$1,250,000.00.

6 10. The Court finds and determines that the Individual Settlement Payments to be paid
7 to Participating Class Members as provided for by the Settlement are fair and reasonable. The
8 Court hereby gives final approval to and orders the payment of those amounts be made to the
9 Participating Class Members in accordance with the Settlement Agreement.

10 11. The Court finds and determines that payment to the California Labor and
11 Workforce Development Agency of \$300,000.00 as its share of the settlement of civil penalties
12 in this case is fair, reasonable, and appropriate. The Court hereby gives final approval to and
13 orders that the payment of that amount be paid in accordance with the Settlement Agreement.

14 12. The Court finds and determines that the fees and expenses in administrating the
15 Settlement incurred by ILYM Settlement Administrators in the amount of \$10,750.00, are fair
16 and reasonable. The Court hereby gives final approval to and orders that the payment of that
17 amount in accordance with the Settlement.

18 13. The Court finds and determines the Class Representative Service Payment of
19 \$15,000.00 for each Plaintiff is fair and reasonable. The Court hereby orders the Administrator
20 to make this payment to the Plaintiffs/Class Representative in accordance with the terms of the
21 Settlement Agreement.

22 14. Pursuant to the terms of the Settlement, and the authorities, evidence and argument
23 submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees in the sum of
24 \$416,666.67 and litigation costs of \$23,169.06. The Court finds such amounts to be fair and
25 reasonable. The Court hereby orders the Settlement Administrator to make these payments in
26 accordance with the terms of the Settlement Agreement.

1 15. Nothing in this order shall preclude any action to enforce the Parties' obligations
2 under the Settlement or under this order, including the requirement that Defendants make payment
3 to the Participating Class Members in accordance with the Settlement.

4 16. This Judgment is intended to be a final disposition in its entirety of the above
5 captioned action. Without affecting the finality of this judgment in any way, the Court retains
6 jurisdiction of all matters relating to the interpretation, administration, implementation,
7 effectuation, and enforcement of the Settlement pursuant to C.C.P. § 664.6.

8 17. The Parties will bear their own costs and attorneys' fees except as otherwise
9 provided by this Court's Order awarding Class Counsels' Award for attorneys' fees and litigation
10 costs.

11 18. The Court sets a Hearing Re: Distribution of Settlement Funds for August 28,
12 2026, at 8:30 a.m. Class Counsel are ordered to file a Final Report Re: Distribution of the
13 Settlement Funds by the Administrator five court days prior.

14
15 DATED:

8-29-25



Honorable Blaine K. Bowman
JUDGE OF THE SUPERIOR COURT