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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KINGS

VAUGHN HENRY, individually, on behalf of
all others similarly situated; PEDRO TORRES
ZERMENO, individually, and on behalf of all
other similarly situated,

Plaintiff,

v.

TESSENDERLO KERLEY, INC., a Delaware
corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No. 22C-0027

CLASS & REPRESENTATIVE ACTION

*[Assigned for all purposes to: Hon. Robert
Shane Burns, Dept. 2]*

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

FINAL APPROVAL HEARING

Date: November 19, 2025
Time: 8:15 a.m.
Dept.: 2

Complaint filed: January 28, 2022
FAC filed: June 12, 2022
SAC filed: May 1, 2025
Trial date: Not set

1 On or around June 26, 2025, this Court issued an Order Granting Plaintiff's Motion for
2 Preliminary Approval of Class Action Settlement. Plaintiff Pedro Torres Zermeno ("Plaintiff") now
3 seeks an order granting final approval of Class Action and PAGA Settlement Class Notice
4 ("Settlement" or "Settlement Agreement"). The Settlement Agreement is attached to the Declaration
5 of Benjamin H. Haber in Support of Plaintiff's Motion for Final Approval of Class Action Settlement
6 as **Exhibit 1**.

7 Due and adequate notice having been given to the Class, and the Court having reviewed and
8 considered the Settlement, Plaintiff's 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 Settlement, and having
11 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, Plaintiff, the
16 Settlement Class Members, and Defendant Tessengerlo Kerley, Inc. ("Defendant," and together
17 with Plaintiff, the "Parties").

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 Benjamin H. Haber in Support of Plaintiff's Motion for
22 Final Approval of Class Action and PAGA 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 enhancement as set forth below.

26 5. Upon Defendant fully funding the Settlement as described in this Agreement, all
27 Participating Class Members will release all claims, rights, demands, liabilities, and causes of action,
28 in law or in equity, arising at any time during the Class Period for the claims brought by Plaintiff in

1 the Operative Complaint, or that could have been brought by Plaintiff against Defendant in the
2 Operative Complaint based on the facts alleged therein..

3 6. Upon Defendant fully funding the Settlement as described in this Agreement, All
4 Aggrieved Employees will release all claims for civil penalties that were alleged or could have
5 been alleged in the Operative Complaint and the PAGA Notice based on the facts alleged therein
6 during the PAGA Period. Only Plaintiff will agree to a general release and a waiver of Civil Code
7 § 1542.

8 7. Upon final approval of the Settlement by the Court, Participating Class Members will
9 release the aforementioned claims against all Released Parties.

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

12 9. Solely for purposes of effectuating the Settlement, the Court finally certified the
13 following Class – all persons currently or formerly directly employed as non-exempt employees
14 in California by Defendant at any time during the Class Period (defined below) who do not
15 timely and validly exclude themselves from the Class in compliance with the exclusion
16 procedures set forth in this Settlement.

17 10. No Class Member has objected to the terms of the Settlement.

18 11. No Class Member has requested exclusion from the Settlement.

19 12. The Notice provided to the Class conforms with the requirements of California Rules
20 of Court, Rules 3.766 and 3.769, and constitutes the best notice practicable under the circumstances,
21 by providing individual notice to all Class Members who could be identified through reasonable
22 effort, and by providing due and adequate notice of the proceedings and of the matters set forth
23 therein to the Class Members. The Notice fully satisfies the requirements of due process.

24 13. The Court finds the Gross Settlement Amount, the Net Settlement Amount, and the
25 methodology used to calculate and pay each Participating Class Member's Net Settlement Payment
26 are fair and reasonable and authorizes the Settlement Administrator to pay the Net Settlement
27 Payments to the Participating Class Members in accordance with the terms of the Settlement.
28

PROOF OF SERVICE

Henry, et al. v. Tessenderlo Kerley, Inc.
22C-0027

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I, Rebecca Padilla, state that I am employed in the aforesaid County, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 660 S. Figueroa Street, Sky Lobby, Los Angeles, California 90017. My electronic service address is rebecca.padilla@wilshirelawfirm.com.

On October 27, 2025, I served the foregoing **[PROPOSED] JUDGMENT AND ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION AND PAGA SETTLEMENT**, on the interested parties by placing a true copy thereof, enclosed in a sealed envelope by following one of the methods of service as follows:

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Attorneys for Defendant

(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.

(X) **BY E-MAIL:** I hereby certify that this document was served from Los Angeles, California, by e-mail delivery on the parties listed herein at their most recent known email address or e-mail of record in this action.

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

Executed on October 27, 2025, at Los Angeles, California.



Rebecca Padilla