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Superior Court of California
County of Los Angeles

04/13/2023

David W. Slayton, Executive Officer / Clerk of Court

By: R. Aspiras Deputy

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

Irene Gomez, individually and on behalf of all
similarly situated individuals,

Plaintiff,

vs.

Purple Heart Compassion, Inc., a California
Corporation; **Alik Eliasian**, an individual, **Steve**
Pineda, an individual; and **Does 1-100**;

Defendants.

CASE NO. 22STCV04548

[Assigned to Honorable William F. Highberger,
Department 10]

CLASS ACTION

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

Date: April 13, 2023 [Reserved]

Time: 10:00 a.m.

Dept.: 10

1 ~~[PROPOSED]~~ ORDER AND JUDGMENT

2 This matter having come for hearing on April 13, 2023, regarding Plaintiff's unopposed
3 Motion for Order Granting Final Approval of Class Action Settlement on the terms set forth in the
4 Joint Stipulation of Settlement and Release of Class Action (the "Settlement").

5 In conformity with California Rules of Court, rule 3.769, with due and adequate notice
6 having been given to Class Members (as defined in the Settlement), and having considered the
7 Settlement, all of the legal authorities and documents submitted in support thereof, all papers filed
8 and proceedings had herein, all oral and written comments received regarding the Settlement, and
9 having reviewed the record in this litigation, and good cause appearing, the Court **GRANTS** final
10 approval of the Settlement, makes the following findings and determinations, and enters final
11 judgment as follows:

12 1. All terms used in this order shall have the same meanings given as those terms are
13 used and/or defined in the Parties' Settlement Agreement and Plaintiffs' Motion for Order
14 Granting Final Approval of Class Action Settlement. A copy of the Settlement Agreement is
15 attached to the Declaration of Elliot J. Siegel in Support of Plaintiffs' Motion for Preliminary
16 Approval of Class Action Settlement as **Exhibit 1** and is made a part of this order.

17 2. The Court has personal jurisdiction over the Parties to this litigation and subject
18 matter jurisdiction to approve the Settlement and all exhibits thereto.

19 3. For settlement purposes only, the Court finally certifies the Class, as defined in the
20 Settlement and as follows:

21 *all persons who worked at least one 3.5-hour shift as a non-exempt employee for Defendants*
22 *in the State of California from February 4, 2018 to September 15, 2022.*

23 4. The Court deems this definition sufficient for the purpose of rule 3.765(a) of the
24 California Rules of Court, and solely for the purpose of effectuating the Settlement.

25 5. The Court finds that an ascertainable Class of 115 Participating Class Members
26 exists and a well-defined community of interest exists on the questions of law and fact involved
27 because in the context of the Settlement: (i) all related matters, predominate over any individual
28 questions; (ii) the claims of the Plaintiff are typical of claims of the Class Members; and (iii) in

1 negotiating, entering into and implementing the Settlement, Plaintiff and Class Counsel have fairly
2 and adequately represented and protected the interest of the Class Members.

3 6. The Court is satisfied that CPT Group, Inc., which functioned as the Settlement
4 Administrator, completed the distribution of Class Notice to the Class in a manner that comports
5 with California Rule of Court 3.766. The Class Notice informed the prospective Class Members of
6 the Settlement terms, their rights to do nothing and receive their settlement share, their rights to
7 submit a request for exclusion, their rights to comment on or object to the Settlement, and their
8 rights to appear at the Final Approval and Fairness Hearing, and be heard regarding approval of the
9 Settlement. Adequate periods of time to respond and to act were provided by each of these
10 procedures.

11 7. Zero Class Members filed written objections to the Settlement as part of this notice
12 process, and zero Class Members filed a written statement of intention to appear at the Final
13 Approval and Fairness Hearing, and zero Class Members submitted requests for exclusion.

14 8. The Court finds that the Settlement has been reached as a result of informed and
15 non-collusive arm's-length negotiations. The Court further finds that the Parties have conducted
16 extensive investigation and research, and their attorneys were able to reasonably evaluate their
17 respective positions.

18 9. The Court also finds that the Settlement now will avoid additional and potentially
19 substantial litigation costs, as well as the delay and risks of the Parties if they were to continue to
20 litigate the case. Additionally, after considering the monetary recovery provided as part of the
21 Settlement in light of the challenges posed by continued litigation, and Court concludes that Class
22 Counsel secured significant relief for Class Members.

23 10. The Court hereby approves the terms set forth in the Settlement and finds that the
24 Settlement is, in all respects, fair, adequate, and reasonable, consistent and compliant with all
25 applicable requirements of the California Code of Civil Procedure, the California and United States
26 Constitutions, including the Due Process clauses, the California Rules of Court, and any other
27 applicable law, and in the best interests of each of the Parties and Class Members.

1 11. The Court appoints Plaintiff Irene Gomez as Class Representative and finds her to
2 be adequate.

3 12. The Court appoints Elliot J. Siegel of King & Siegel LLP, and Xavier Villegas of Law
4 Office of Xavier Villegas as Class Counsel, and finds each of them to be adequate, experienced, and
5 well-versed in class action litigation.

6 13. The terms of the Settlement, including the Maximum Settlement Amount of
7 \$285,000 and the allocation for determining Individual Settlement Payments, are fair, adequate,
8 and reasonable to the Class and to each Class Member, and the Courts grants final approval of the
9 Settlement set forth in the Settlement, subject to this Order.

10 14. The Court further approves the following distributions from the Maximum
11 Settlement Amount, which fall within the ranges stipulated by and through the Settlement:

12 a. The amount of \$9,000 designated for payment to the Settlement
13 Administrator is fair and reasonable. The Court grants final approval of it and orders the
14 Parties to make the payment to the Settlement Administrator in accordance with the
15 Settlement.

16 b. The \$95,000 amount, representing one-third of the Maximum Settlement
17 Amount, requested by Plaintiff and Class Counsel for the Class Counsel's attorneys' fees is
18 fair and reasonable in light of the benefit obtained for the Class. The Court grants final
19 approval of, awards, and orders the Class Counsel fees payment to be made in accordance
20 with the Settlement.

21 c. The Court awards Class Counsel \$8,255.14 in litigation costs, which is an
22 amount which the Court finds to be reflective of the actual and reasonable costs incurred.
23 The Court grants final approval of Class Counsel's litigation expenses payment and orders
24 payment of this amount to be made in accordance with the Settlement.

25 d. The \$15,000 class representative payment requested to the named Plaintiff
26 Irene Gomez is fair and reasonable. The Court grants final approval of, and orders the class
27 representative payment to be made in accordance with the Settlement.
28

1 e. The Court approves of the \$25,000 allocation assigned for claims under the
2 Labor Code Private Attorneys General Act of 2004, and orders 75% thereof (i.e., \$18,750)
3 to be paid to the California Labor and Workforce Development Agency in accordance with
4 the terms of the Settlement.

5 15. The Court orders the Parties to comply with and carry out all terms and provisions
6 of the Settlement, to the extent that the terms thereunder do not contradict with this order, in which
7 case the provisions of this order shall take precedence and supersede the Settlement.

8 16. All Participating Class Members shall be bound by the Settlement and this Order,
9 including the release of claims as set forth in the Settlement. All Aggrieved Employees shall be
10 deemed to release any claims for PAGA penalties that were alleged, or reasonably could have been
11 alleged, based on the Operative Complaint and the PAGA Notice.

12 17. The Parties shall bear their own respective attorneys' fees and costs except as
13 otherwise provided in this order and the Settlement.

14 18. All checks mailed to the Class Members must be cashed within one hundred and
15 twenty (120) days after mailing.

16 19. All uncashed checks will be escheated to the Controller of the State of California to
17 be held pursuant to the Unclaimed Property Law, California Civil Code § 1500, *et seq.*, for the
18 benefit of those Class Members who did not cash their checks until such time that they claim their
19 property.

20 20. No later than 10 days of this order, the Settlement Administrator shall give notice of
21 judgment to Class Members pursuant to California Rules of Court, rule 3.771(b) by posting a copy
22 of this Order and Final Judgment on its website assigned to this matter.

23 21. The Court retains continuing jurisdiction over the Action and the Settlement,
24 including jurisdiction pursuant to rule 3.769(h) of the California Rules of Court and Code of Civil
25 Procedure section 664.6, solely for purposes of (a) enforcing the Settlement, (b) addressing
26 settlement administration matters, and (c) addressing such post-judgment matters as may be
27 appropriate under court rules or applicable law.
28

22. Plaintiff shall file with the Court a report regarding the status of distribution no later than fifty (50) days after all funds have been distributed.

23. This final judgment is intended to be a final disposition of the above-captioned action in its entirety and is intended to be immediately appealable. This final judgment resolves all claims released by the Settlement against Defendants.

Non-Appearance Case Review

24. The Court hereby sets a ~~hearing date of~~ _____ **Nov. 21, 2023** at _____ **9** pm/am for a hearing on the final accounting and distribution of the settlement funds.

Declaration due 11/14/23.

IT IS SO ORDERED, ADJUDGED, AND DECREED.

DATED: 04/13/2023


Hon. William F. Highberger
Los Angeles County Superior Court Judge