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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF SAN DIEGO**

13 EDUARDO PENA, individually, and on behalf
14 of all others similarly situated,

15 *Plaintiff,*

16 v.

17 STRATEGIC OPERATIONS, INC., a California
18 corporation, and DOES 1 through 10, inclusive,

19 *Defendants.*

Case No. 37-2022-00014701

CLASS ACTION

*[Assigned for all purposes to: Hon. Carolyn
M. Caietti, Dept. C-70]*

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

FINAL APPROVAL HEARING

Date: March 15, 2024

Time: 10:30 a.m.

Dept: C-70

Complaint filed: April 20, 2022

Trial date: None set

1 On October 13, 2023, this Court issued an Order Granting Preliminary Approval of
2 Class Action Settlement. Plaintiff Eduardo Pena now seeks an order granting final approval of
3 the Stipulation of Settlement ("Settlement"), attached to the Declaration of Nicol E. Hajjar in
4 Support of Plaintiff's Motion for Final Approval of Class Action Settlement as Exhibit 1.

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

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

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

14 2. The Court has jurisdiction over all claims asserted in the Action, Plaintiff, the
15 Settlement Class Members, and Defendant Strategic Operations, Inc. ("Defendants").

16 3. The Court finds that the Settlement appears to have been made and entered into in
17 good faith and hereby approves the settlement subject to the limitations on the requested fees and
18 enhancements as set forth below.

19 4. Plaintiff and all Settlement Class Members, ("Participating Class Members"), shall
20 have, by operation of this Final Order and Judgment, fully, finally, and forever released,
21 relinquished, and discharged Defendants from all Released Claims as defined in the Settlement.

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

24 6. Solely for purposes of effectuating the settlement, the Court finally certified the
25 following Class: "All persons who worked for any Defendant in California as an hourly-paid or
26 non-exempt employee during the Settlement Period."

27 7. The Settlement Period means the period from April 20, 2018 to July 27, 2022.

28 8. No Class Members have objected to the terms of the Settlement.

1 9. Three Class Members have requested exclusion from the Settlement.

2 10. The Notice provided to the Class conforms with the requirements of California
3 Rules of Court 3.766 and 3.769, and constitutes the best notice practicable under the
4 circumstances, by providing individual notice to all Class Members who could be identified
5 through reasonable effort, and by providing due and adequate notice of the proceedings and of the
6 matters set forth therein to the Class Members. The Notice fully satisfies the requirements of due
7 process.

8 11. The Court finds the Settlement Amount, the Net Settlement Amount, and the
9 methodology used to calculate and pay each Participating Class Member's Net Settlement
10 Payment are fair and reasonable, and authorizes the Settlement Administrator to pay the Net
11 Settlement Payments to the Participating Class Members in accordance with the terms of the
12 Stipulation.

13 12. Defendant shall pay the total of \$362,205.07 to resolve this litigation. Within
14 fourteen calendar days from the date of this Order, Defendants shall deposit this amount and
15 employer taxes into an interest-bearing trust account for the benefit of the participating Class
16 Members and Class Counsel, through the Settlement Administrator. Thereafter, compensation to
17 the Participating Class Members shall be disbursed pursuant to the terms of the Settlement (i.e.,
18 within ten calendar days following the receipt of funds).

19 13. From the Settlement Amount, \$10,000 allocated to Plaintiff's claims under under
20 the terms of the Joint Stipulation and Amendment pursuant to the Labor Code Private Attorneys
21 General Act of 2004, California Labor Code section 2698, *et seq.* with 75% of which (\$7,500)
22 will be paid to the California Labor and Workforce Development Agency and 25% (\$2,500) will
23 be paid to Class Members.

24 14. From the Settlement Amount, \$5,000.00 shall be paid to the named Plaintiff for his
25 service as a class representative and for his agreement to release claims.

26 15. From the Settlement Amount, \$7,750.00 shall be paid to the Settlement
27 Administrator, Phoenix Settlement Administrators.

1 16. The Court hereby confirms Nicol E. Hajjar of Wilshire Law Firm, PLC as Class
2 Counsel.

3 17. From the Settlement Amount, Class Counsel is awarded \$120,733.42 for their
4 reasonable attorneys' fees and \$12,933.92 for their reasonable costs incurred in the Action. The
5 fees and costs shall be distributed to Class Counsel as set forth in the Settlement. The Court finds
6 that the fees are reasonable in light of the benefit provided to the Class.

7 18. Notice of entry of this Final Approval Order and Judgment shall be given to Class
8 Members by posting a copy of the Final Approval Order and the Judgment on Phoenix Settlement
9 Administrators' website for a period of at least sixty (60) calendar days after the date of entry of
10 this Final Approval Order and Judgment.

11 19. Without affecting the finality of this Order in any way, this Court retains continuing
12 jurisdiction over the implementation, interpretation, and enforcement of the Settlement with
13 respect to all Parties to this action, and their counsel of record.

14 20. Plaintiff's Motion for Final Approval of Class Action Settlement is hereby granted
15 and the Court directs that judgment shall be entered in accordance with the terms of this Order.

16 **IT IS SO ORDERED.**

17
18
19 DATE:

Hon. Carolyn M. Caietti
San Diego County Superior Court

Eduardo Pena v. Strategic Operations, Inc., et al.
37-2022-00014701

I, Christine Ohanyan, 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 3055 Wilshire Blvd., 12th Floor, Los Angeles, California 90010. My electronic service address is minjee@wilshirelawfirm.com.

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(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.

Executed on **February 22, 2024**, at Los Angeles, California.

Christine Ohanyan
Christine Ohanyan