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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

OCT 04 2023

Attorney for Plaintiff and the Putative Class

BY 
JESSICA MORALES, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

SAN BERNARDINO JUSTICE CENTER

AMANDA ROMERO, individually, and
on behalf of all others similarly situated,

Plaintiff,

v.

LIGHTING INSTYLE, INC., a California
corporation; and DOES 1 through 50,
inclusive,

Defendants.

CASE NO. CIVSB2215083

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

RECEIVED
SEP 12 2023
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

1 **[PROPOSED] FINAL APPROVAL ORDER AND JUDGMENT**

2 On July 10, 2023, this Court issued an order granting preliminary approval of the
3 proposed class action settlement between Plaintiff, Amanda Romero, on behalf of herself and the
4 Class (“Plaintiff”) and Lighting Instyle, Inc. (“Lighting Instyle” or “Defendant”). Plaintiff now
5 seeks an order granting final approval of the Class Action Settlement Agreement and Release
6 (“Settlement Agreement”).

7 The Court conditionally certified the following Class (the “Class” or “Settlement Class”)
8 for settlement purposes:

9 All non-exempt employees who were employed by Lighting Instyle, Inc., in
10 the State of California, at any time from July 14, 2018 through June 6, 2023.

11 The Class Period is from July 14, 2018, through June 6, 2023.

12 The court approves for settlement purposes the portion of this settlement regarding the
13 Private Attorneys General Act (“PAGA aggrieved employees):

14 All aggrieved employees employed by Lighting Instyle, Inc. in the
15 State of California, at any time from May 10, 2021, through June 6, 2023.

16 The PAGA Period means the time from May 10, 2021, through June 6, 2023.

17 The Court appointed, for settlement purposes, the Law Office of Scott E. Wheeler, as
18 Class Counsel, Plaintiff as representative for the Class, and ILYM Group, Inc., the Settlement
19 Administrators.

20 The Court further directed the Parties to provide notice to the Class, which informed Class
21 Members of: (a) the proposed Settlement and the Settlement’s key terms; (b) the date, time, and
22 location of the Final Approval Hearing; (c) the right of any Class Member to object to the
23 proposed Settlement, and an explanation of the procedures to exercise that right; (d) the right of
24 any Class Member to exclude themselves from the proposed Settlement, and an explanation of
25 the procedures to exercise that right; and (e) an explanation of the procedures for Class Members
26 to participate in the proposed Settlement.

27 Thereafter, Plaintiff filed an unopposed Motion for Final Approval of Class Action
28 Settlement (“Motion for Final Approval”) and supporting documents. The Court, upon Notice

1 having been given in full compliance with the Preliminary Approval Order, and having
2 considered the proposed Settlement, as well as all papers filed in support of the Motion for Final
3 Approval, hereby ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

4 1. This Court has jurisdiction over the subject matter of the action and over all Parties
5 to the action, including all members of the Settlement Class.

6 2. The Settlement is in all respects fair, reasonable, and adequate, and it is hereby
7 approved.

8 3. The Settlement Class, defined as: "All non-exempt employees who were
9 employed by Lighting Instyle, Inc., in the State of California, at any time from July 14, 2018
10 through June 6, 2023", is certified as a Class for settlement purposes.

11 4. The Court approves the PAGA portion of the settlement as fair and in the best
12 interests of the State of California.

13 5. The Notice provided to the Settlement Class conforms with the requirements of
14 California Code of Civil Procedure section 382, California Civil Code section 1781, California
15 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other
16 applicable law, and constitutes the best notice practicable under the circumstances, by providing
17 individual notice to all Class Members who could be identified through reasonable effort, and by
18 providing due and adequate notice of the proceedings and of the matters set forth therein to the
19 other Class Members. The Notice fully satisfied the requirements of due process.

20 6. The Court finds the Settlement was entered into in good faith, that the Settlement
21 is fair, reasonable, and adequate, and that the Settlement satisfies the standards and applicable
22 requirements for final approval of this class action settlement under California law, including the
23 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
24 3.769.

25 7. As set forth in the Declaration of Cassandra Polites on behalf of ILYM Group,
26 Inc., no Class Members have objected to the Settlement and no Class Members have requested to
27 be excluded from the Settlement. The positive response of the Class underscores that the
28 Settlement is fair, reasonable, and adequate.

1 8. Upon entry of this Order, compensation to the participating members of the
2 Settlement Class shall be effected pursuant to the terms of the Settlement Agreement.

3 9. In addition to any recovery that Plaintiff may receive as Settlement Class Member
4 under the Settlement, and in recognition of Plaintiff's efforts on behalf of the Settlement Class,
5 the Court hereby approves the payment of a class representative enhancement award to Plaintiff
6 Amanda Romero in the amount of \$5,000 for her services as class representative, and Defendant
7 shall cause this sum to be paid to Plaintiff in accordance with the terms of the Settlement
8 Agreement.

9 10. The Court finds that Class Counsel's requested itemized litigation expenses in the
10 amount of \$14,709.72 are reasonable and are hereby approved by the Court.

11 11. The Court finds that the requested attorneys' fees are reasonable under the
12 percentage of the fund method. *See Laffitte v. Robert Half Internat, Inc.* (2016) 1 Cal.5th 480,
13 503. Specifically, the Gross Settlement Fund of \$68,000 represents a true common fund, as there
14 is no claims process and no money under the Settlement will revert to Defendant. The Court finds
15 that one-third of the common fund, or \$20,400, is fair, reasonable and appropriate. The Court has
16 also reviewed the Declarations of Scott E. Wheeler and Justin A. Wheeler and finds that Class
17 Counsel has incurred a lodestar of \$75,600. The Court finds that the hours Class Counsel
18 dedicated to litigating this case, and their requested hourly rates, are fair, reasonable and
19 appropriate. Thus, the requested attorney's fees of \$20,400 are also reasonable under the lodestar
20 method or common fund method.

21 12. The Court approves the payment of attorney's fees to Class Counsel in the amount
22 of \$20,400 and reimbursement of reasonable litigation expenses in the amount of \$14,709.72, and
23 Defendant shall cause these sums to be paid to Class Counsel in accordance with the terms of the
24 Settlement Agreement.

25 13. The Court approves the payment of actual settlement administration costs in the
26 amount of \$5,750 to ILYM Group, Inc., and Defendant shall cause this sum to be paid to ILYM
27 Group, Inc., the Settlement Administrator, in accordance with the terms of the Settlement
28 Agreement.

1 14. The Court approves and orders payment in the amount of \$3,750 (which
2 represents 75% of the \$5,000 allocated for the PAGA payment) to the California Labor and
3 Workforce Development Agency, which represents a fair and equitable sum for resolution of
4 claims raised pursuant to California Labor Code section 2698 *et seq.*, and Defendant shall cause
5 this sum to be paid to the LWDA in accordance with the terms of the Settlement Agreement.

6 15. The Gross Settlement Fund, the Net Settlement Fund, and the methodology used
7 to calculate and pay each Settlement Class Member's individual settlement payment are fair and
8 reasonable, and the Court authorizes the Settlement Administrator to issue individual settlement
9 payments to each Settlement Class Member in accordance with the terms of the Settlement
10 Agreement.

11 16. Upon the Effective Date, Plaintiff and all members of the Settlement Class, shall
12 have, by operation of this Order and the accompanying Judgment, fully, finally, and forever
13 released, relinquished, and discharged Defendant from all Released Claims as defined by the
14 terms of the Settlement.

15 17. Judgment in this matter is entered in accordance with the terms of the Settlement
16 Agreement, the Court's Preliminary Approval Order, and this Final Approval Order against
17 Defendant in favor of Plaintiff and the Settlement Class. This Judgment is intended to be a final
18 disposition of the above captioned action in its entirety and is intended to be immediately
19 appealable.

20 18. This Court shall retain jurisdiction with respect to all matters related to the
21 administration and consummation of the Settlement, to enforce the terms of the judgment, and
22 any and all claims, asserted in, arising out of, or related to the subject matter of the lawsuit,
23 including but not limited to all matters related to the Settlement and the determination of all
24 controversies relating thereto.

25 19. An OSC Re: Distribution with the terms of the Settlement is set for 10:424
26 at 8:30 a.m./ p.m. in Department S-26. A report from ILYM Group, Inc. Re: Distribution of
27 the Settlement funds shall be filed ten (10) court days before the scheduled OSC Re: Distribution.

28 20. Plaintiff's Motion for Final Approval is hereby granted and the Court directs that a

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judgment shall be entered in accordance with the terms of this Order.

21. This document shall constitute a Judgment for purposes of California Rule of Court 3.769(h).

IT IS SO ORDERED.

DATED: 10.4.23

Jessica Morgan
HONORABLE JESSICA MORGAN
JUDGE OF THE SUPERIOR COURT