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FILED
Superior Court of California
County of Los Angeles

JUL 29 2024

David W. Stayton, Executive Officer/Clerk of Court
By: **E. Munoz**, Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

KRISTINA REYES, on behalf of herself
and all others similarly situated,

Plaintiff,

vs.

BACKPACK BOYZ LOS ANGELES,
LLC; LOS ANGELES INDUSTRY, INC.;
and DOES 1-100, inclusive,

Defendants

CASE NO. 22STCV05435

CLASS AND REPRESENTATIVE ACTION

~~PROPOSED~~ **AMENDED JUDGMENT and**
ORDER

[Assigned To Honorable William Highberger
Dept. 10]

Action Filed: February 14, 2022

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~~PROPOSED~~

AMENDED JUDGMENT and ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

RECITALS

1. On August 18, 2023 the Court held a Final Approval Hearing of Class Settlement.

2. On August 18, 2023, after the Final Approval Hearing, the Court issued a

**JUDGMENT AND ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS SETTLEMENT AND ATTORNEYS' FEES AND COSTS** ("Final
Approval Judgment and Order").

3. On October 10, 2023 the Parties submitted a Joint Stipulation and Proposed Order regarding Defendant's need, due to financial restraints, to pay the Class Settlement in 3 separate installment payments over 3 months (payments of \$119,757 made in October, November, and December of 2023) ... thus causing a slight delay in payment to the Class and delay in other post-judgment/settlement dates which included delaying the filing/service of this Compliance Status Report to, at the latest, July 23, 2024 (instead of the original due date of April 23, 2024).

4. On October 11, 2023, the Court executed that Proposed Order re the above Installment Payments and delay of the filing of the Compliance Status Report.

5. That Final Approval Judgment and Order requires the Parties to submit this Compliance Status Report. Therefore, the Parties submit this Compliance Status Report and Settlement Disbursement Declaration of the Settlement Administrator CPT Group, Inc. indicating, pursuant to the terms of the Amended Settlement Agreement and Final Approval Judgment and Order, indicating that:

- The Gross Settlement in the case was \$353,500.
- There were a total of 103 Participating Class Members.
- Attorney Fees (\$116,655) and costs (\$25,000) equaled \$141,655.
- The Settlement Administrator Costs (CPT Group, Inc.) were \$10,000.
- The single Class Representative Enhance Payment was \$10,000.
- From the settlement PAGA payment (\$35,000) the LWDA was allocated \$26,250

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- 1 (75% of \$35,000).
- 2 • From the PAGA payment the Aggrieved Employees (“PAGA group”) were allocated
- 3 \$8,750 (25% of \$35,000).
- 4 • The total Individual Settlement Payments to Class members equaled \$156,845.
- 5 • On December 28, 2023 all of the above settlement payments were sent out including
- 6 payment of the Class Counsel Fees and Costs, the Class Representative Enhancement
- 7 Payment, the Settlement Administrator Costs, the LWDA payment, the PAGA Group
- 8 payments, and the Class Member Individual Settlement Payment checks sent to each
- 9 of the Participating Class Members and PAGA group/aggrieved employees.
- 10 • An additional 11 Individual Settlement Payments were created but held back as those
- 11 Participating Class Members did not have a valid mailing address or Social Security
- 12 Numbers. The total amount of checks held back was \$2,785.37.
- 13 • Those Class Member Individual Settlement Payment checks were valid for 180 days,
- 14 until June 25, 2024, and therefore payment to the Class members and PAGA group
- 15 has been completed.
- 16 • The total amount of unclaimed funds, including uncashed checks and unclaimed
- 17 held checks was \$19,528.80.
- 18 • On July 3, 2024, the unclaimed funds (\$19,528.80) were remitted to the California
- 19 State Controller in accordance with California Unclaimed Property Law..

20 **FINDINGS**

21 6. **Fair, Adequate and Reasonable Settlement:** On August 18, 2023, in the Final
22 Approval Order and Judgment, the Court found that the Settlement (gross amount of \$353,000),
23 requested attorney’s fees (\$116,655) and costs (\$25,000), enhancement payment to the single
24 class representative (\$10,000), the PAGA allocation (total of \$35,000 of which 75% [\$26,250]
25 was paid to the LWDA and 25% [\$8,750] was paid to PAGA group/aggrieved employees), and
26 the Settlement Administrator costs (\$10,000) (with residual of uncashed settlement checks to be
27 distributed to the California State Controller in accordance with California Unclaimed Property
28 Law), was, in all respects, fair, adequate, and reasonable. In making this finding, the Court

1 considered the nature of the claims and the risks inherent in such claims, the good result
2 obtained, Defendants' potential liability, and the fact that this settlement represents a
3 compromise of the Parties' respective positions rather than the result of a finding of liability at
4 trial. The Court further found that the terms of the Settlement had no obvious deficiencies and
5 did not improperly grant preferential treatment to Plaintiff. Further, there were no objections and
6 no opt-outs (and there was no opposition to the settlement or the Final Approval Motion).

7 **7. Class Notice:** The Court additionally noted the significant benefits to the Class
8 Members and PAGA group/aggrieved employees under the Amended Settlement Agreement,
9 and found that the distribution of the Class Notice of Settlement to the Class Members/PAGA
10 group as set forth in the Amended Settlement Agreement has been completed in conformity with
11 the Amended Settlement Agreement and order granting preliminary approval of the Settlement.
12 The Notice of Class Settlement provided adequate notice of the proceedings and about the case,
13 including the proposed settlement terms as set forth in the Amended Settlement Agreement. The
14 Notice of Class Settlement fully satisfied due process requirements. The Notice of Class
15 Settlement was sent via first class U.S. Mail to all persons entitled to such notice and to all Class
16 Members/PAGA group. As executed, the Notice of Class Settlement was the best notice
17 practicable under the circumstances.

18 **8. Final Approval:** On August 18, 2023, the Court granted Final Approval of the
19 class settlement upon the terms and conditions set forth in the Amended Settlement Agreement.

20 **9. Class Definition:** The Court certified, for settlement purposes only, the following
21 class.

22 The settlement class was defined as:

23 "All current and former non-exempt employees who worked for
24 Defendants in the State of California from February 14, 2018, through
25 the date the Court grants preliminary approval of the Settlement,
26 including but not limited to individuals holding the job titles of
Budtenders, Cashiers, Inventory Managers, Joint Rollers, Managers,
Floor Lead, Floater, and Receptionist." (Amended Settlement
Agreement §1.1)

27 "Class Period" refers to the period of time from February 14, 2018
28 through the date the Court grants preliminary approval of the
Settlement. As a practical matter, there were no shifts worked by any
Class Member prior to March 10, 2021." (Amended Settlement

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Agreement §1.7)

“Settlement Class” is defined to mean those Class Members who have not “opted out” of the Class Settlement by submitting a timely and valid Request for Exclusion. (Amended Settlement Agreement §1.35).

10. **Class Representative:** The Court appointed Plaintiff Kristina Reyes as Class Representative, for settlement purposes only.

11. **Class Counsel:** The Court appointed Matthew S. Da Vega of Da Vega Fisher Mechtenberg LLP as Class Counsel, for settlement purposes only.

12. **Implementation and Unclaimed Funds:** The Court ordered the Parties to implement the terms of the Amended Settlement Agreement, and directed Defendants to disburse the funds pursuant to the terms of the settlement and consistent with the Final Approval Order and Judgment. The Court ordered that all uncashed settlement checks/funds and any residual amounts not otherwise been disbursed be remitted to the California State Controller in accordance with California Unclaimed Property Law (in this matter that amount was \$19,528.80)

13. **Release:** The Court ordered that all Class Members who did not “Opt-Out” of the settlement shall be bound by the releases provided in the Amended Settlement Agreement and Notice of Class Settlement.

14. **Class Representative Enhancement Award:** The Court approved a Class Representative Enhancement payment in the amount of \$10,000 to the single Class Representative to be paid out of the Gross Settlement Amount.

15. **Class Counsel Fees and Costs:** The Court approved an award of reasonable attorneys’ fees to Class Counsel in the amount of \$116,655 and reimbursement of costs and expenses they incurred in this matter in the amount of \$25,000, all to be paid out of the Gross Settlement Amount.

16. **Settlement Administrator Costs:** The Court approved an award of \$10,000 for Settlement Administration costs to be paid out of the Gross Settlement Amount.

17. **PAGA Payments:** The Court approved payment for civil penalties under the Private Attorneys General Act of 2004 (“PAGA”) in the amount of \$35,000 (75% of this amount [\$26,250] was paid to the California Labor and Workforce Development Agency [“LWDA”] and 25% of this amount [\$8,750] was paid back to the PAGA group/aggrieved employees.

18. **Compliance Status Report:** The Court further ordered in its Final Approval Judgment and Order, pursuant to Code Civ. Proc. §384, that the Parties submit this Compliance Status Report and the attached [Proposed] *Amended* Judgment and Order; related to the distribution of settlement funds, as described above.

JUDGMENT

19. This Judgment is intended to be a final disposition of this action in its entirety.

IT IS SO ORDERED and JUDGMENT IS HEREBY ENTERED.

DATED:

7/29/24

By:


Honorable William Highberger
Judge of the Superior Court

Honorable William Highberger
Judge of the Superior Court