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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

MARCELINO ORTUNO, Individually, and
on behalf of other members of the general
public similarly situated,

Plaintiff,

v.

THE HERTZ CORPORATION, a Delaware
Corporation; DTG OPERATIONS, INC., an
Oklahoma Corporation; and DOES 1-10,
inclusive,

Defendants

CASE NO. 37-2022-00006731-CU-OE-CTL
CLASS ACTION

**[PROPOSED] ORDER: (1) GRANTING
FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND (2) ENTERING
JUDGMENT**

Date: April 4, 2025
Time: 10:30 a.m.
Judge: Hon. Carolyn Caietti
Dept.: C-70

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Plaintiffs MARCELINO ORTUNO and ANDUAR ROMO’S Unopposed Motion for Final
3 Approval of (1) Class Action Settlement; (2) Attorneys’ Fees and Costs; and (3) Class Representative
4 Enhancement, in the above-captioned matter, came on for hearing before this Court on February 16,
5 2024 at 10:30 a.m. Sullivan & Yaeckel Law Group, APC and Bradley Grombacher, LLP appeared on
6 behalf of Plaintiffs and the Class. Husch Blackwell appeared on behalf of Defendants. On good cause
7 shown, and pursuant to the authority of California statutory and case law, this Court finds that the
8 settlement between Plaintiffs and Defendants was made in good faith and is fair, reasonable and
9 adequate. The Court grants the motion and enters judgment consistent with the following:

10 **IT IS HEREBY ORDERED THAT:**

- 11 1. Plaintiff’s Motion for Final Approval of (1) Class Action Settlement; (2) Attorneys’ Fees and
12 Costs; and (3) Class Representative Enhancement Award, is hereby granted.
- 13 2. Pursuant to this Court’s Preliminary Approval Order of January 6, 2025, the Notice of Class
14 Action Settlement (the “Class Notice”) was sent to the Class, which was previously certified
15 in this Court’s Preliminary Approval Order, in the manner specified by the parties Joint
16 Stipulation of Class Action Settlement and Release (“Settlement Agreement.”). (The
17 Settlement Agreement is on file with the Court’s Register of Actions # 258 as **Exhibit A.**) The
18 Class Notice informed the Class of the terms of the Settlement, their right to receive their
19 proportional share of the Settlement by not opting out, their right to request exclusion, and their
20 right to object to the Settlement. Adequate periods of time were provided by each of these
21 procedures.
- 22 3. Out of a total of 4,156 Class Members who were sent notice, three (3) have requested
23 exclusion and “Opted-Out” of the settlement.
- 24 4. Zero (0) members of the Class objected to the Settlement.
- 25 5. The Court finds and determines that this notice procedure afforded adequate protections to
26 Class Members and fully and accurately informed the class of all material aspects of the
27 settlement. The Court finds the and determines that the notice provided in this case was the
28 best notice practicable, which satisfied the requirements of law and due process.
6. The Court further finds and determines that the terms of the Settlement are fair, reasonable and

adequate to the Class and to each Class Member. The Class Members who have not expressly sent a request for exclusion (“Opt-Out”), will be bound by the Settlement. The Settlement is ordered finally approved, and that all terms and provisions of the Settlement should be and hereby are ordered to be consummated.

7. The Court finds and determines that the Settlement sums to be paid to the Class Members as provided for by the Settlement are fair and reasonable. The Court hereby gives final approval to and orders the payment of those amounts be made to the Class Members in accordance with the terms of the Settlement.

8. The Court finds the payment of \$135,000.00 (75% Share of \$180,000.00 allocation) to the Labor and Workforce Development Agency (“LWDA”) in settlement of the LWDA’s share of the penalties alleged by Plaintiff and compromised under the Settlement is fair and reasonable.

9. The Court finds and determines that the Class Representative Enhancement Payment to Plaintiffs, Mr. Ortuno and Mr. Romo, in the sum of \$10,000.00 each, in consideration for their service as the Class Representative, is fair and reasonable. The Court hereby gives final approval to and orders that the payment of the Enhancement be paid as provided by the Settlement Agreement.

10. The Court finds and determines that the total payment to the Claims Administrator, CAC Services Group, LLC, in the sum of \$20,711.54 for claims administration expenses in completing its duties pursuant to the terms of the Settlement is fair and reasonable. The Court hereby gives final approval to and orders that the payment of said amount be paid from the as provided for by the Settlement Agreement.

11. The Court finds and determines that the payment of \$1,100,000.00 as Class Counsel’s Attorneys’ Fees and request for \$29,815.78 for costs of litigation, is fair and reasonable. The Court hereby gives final approval to and orders those amount(s). Pursuant to the parties agreement, those will be further broken down as follows: \$990,000.00 in attorneys’ fees and \$26,701.65 in costs to be paid to the Sullivan & Yaeckel Law Group, APC, and \$110,000.00 in attorneys’ fees and \$3,114.13 in costs to Bradley Grombacher, LLP.

12. All “Released Claims” against Defendants by the “Class Members”(as these terms are defined

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the parties' Settlement Agreement) that have been, or might have been, asserted by any Class Member who did not timely submit a Request for Exclusion, in accordance with the terms of the Settlement Agreement, are hereby released, and all such Class Members shall be forever barred from pursuing any of the Released Claims as set forth in the Settlement Agreement against the Released Parties.

13. Accordingly, the Court enters this judgment consistent with the above and the parties' Settlement Agreement.

14. Pursuant to California Rules of Court, rule 3.769(h), this Court retains jurisdiction over the parties to enforce this judgment.

15. The Court will set a status conference for _____, 2025 at _____ to confirm the completion of the settlement process.

IT IS SO ORDERED.

Dated: _____

HON. CAROLYN CAIETTI
JUDGE OF THE SUPERIOR COURT