

Nicholas J. Ferraro (State Bar No. 306528)
Lauren N. Vega (State Bar No. 306525)
Ferraro Vega Employment Lawyers, Inc.
3333 Camino del Rio South, Suite 300
San Diego, California 92108
(619) 693-7727 main / (619) 350-6855 facsimile
nick@ferrarovega.com / lauren@ferrarovega.com

Attorneys for Plaintiff Seth Chance

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

03/15/2024 at 02:59:00 PM

Clerk of the Superior Court
By E- Filing, Deputy Clerk

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO**

SETH CHANCE *et al.*

Plaintiff,

vs.

COLONNA'S SHIPYARD INCORPORATED *et al.*

Defendants.

Case No. 37-2022-00018968-CU-OE-CTL

Hon. Gregory W. Pollack
Dept. C-71

CLASS ACTION

**Notice of Entry of Order Granting Final
Approval and Entering Judgment**

Action Filed: May 18, 2022

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE
2 TAKE NOTICE THAT:

3 1. On March 8, 2024, at 9:30 a.m. in this Department, the Court entered the Order and
4 Judgment Granting Final Approval of Class Action Settlement and Attorneys' Fees and Costs and
5 Entering Judgment attached hereto as Exhibit 1.

6 2. The Judge confirmed the Court's Tentative Ruling attached hereto as Exhibit 2.

7 3. A copy of this Notice has been submitted to the LWDA via its online electronic portal
8 in accordance with Labor Code § 2699(1)(3).

9 4. Notice of the Court's final ruling and entry of judgment is hereby provided.

10
11 Respectfully submitted,

12
13 Dated: March 15, 2024

Ferraro Vega Employment Lawyers, Inc.

14 
15 _____
16 Nicholas J. Ferraro
17 Attorney for Plaintiff Seth Chance
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

ELECTRONICALLY RECEIVED
Superior Court of California,
County of San Diego

02/08/2024 at 08:11:00 PM

Clerk of the Superior Court
By: Nora Lopez, Deputy Clerk

FILED
Clerk of the Superior Court

MAR -8 2024

By: T. Abas
SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

SETH CHANCE, *et al.*

Plaintiff,

vs.

COLONNA'S SHIPYARD
INCORPORATED, *et al.*

Defendants.

Case No. 37-2022-00018968-CU-OE-CTL

Hon. Gregory W. Pollack
Dept. C-71

CLASS ACTION

**[Proposed] Order Granting Final Approval of
Class Action Settlement and Attorneys' Fees
and Costs and Entering Judgment**

Motion for Final Approval/Attorneys' Fees:

Date: March 8, 2024

Time: 9:30 a.m.

[Filed concurrently with Notice of Motion and
Motion for Final Approval of Class Action
Settlement, Memorandum of Points and
Authorities, Declaration of Nicholas J. Ferraro,
Declaration of Settlement Administrator, and
Declaration of Seth Chance]

Action Filed: May 18, 2022

1 This matter came on for hearing on March 8, 2024 at 9:30 a.m. in Department C-71 of the
2 above-captioned Court, the Honorable Gregory W. Pollack presiding, on (1) Plaintiff's Motion for
3 Final Approval of Class Action Settlement and (2) Plaintiff's Motion for Attorneys' Fees and Costs.

4 Having received and considered the motions and supporting papers, including the Joint
5 Stipulation of Class Action Settlement ("Settlement"), the evidence and documents received by the
6 Court in connection with the Motions for Final Approval and Attorneys' Fees and Costs, and the
7 previously decided Motion for Preliminary Approval, the Court GRANTS FINAL APPROVAL of the
8 Settlement and ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

9 1. Pursuant to the terms of the Settlement and the Order Granting Preliminary Approval,
10 and the Settlement, a notice was sent to each class member by first-class U.S. mail. The notice
11 informed the class of the terms of the Settlement, their right to receive a settlement payment without
12 any required action, their right to comment upon or object to the Settlement, and their right to appear
13 in person or by counsel at the Final Approval Hearing and to be heard regarding approval of the
14 Settlement. Adequate periods of time were provided for each of these procedures.

15 2. Zero class members returned a written objection to the proposed Settlement as part of
16 the notice process or stated an intention to appear at the Final Approval Hearing and there were no
17 dissenting appearances from class members at the hearing. One class member requested exclusion
18 from the Settlement: The person with the initials R.J.C., assigned Employee ID # CW0003. This "opt
19 out" is affirmatively excluded from the class settlement.

20 3. The Court finds and determines the notice procedure afforded adequate protections to
21 the class and provides the basis for the Court's informed decision regarding approval of the Settlement
22 based on the response. The Court finds and determines the notice provided was the best notice
23 practicable, satisfying the requirements of law and due process.

24 4. For purposes of approving this Settlement only, this Court finds and concludes: (a) the
25 proposed class is ascertainable and so numerous that joinder of all members of the class is
26 impracticable; (b) there are questions of law or fact common to the proposed class, and there is a well-
27 defined community of interest among members of the class with respect to the subject matter of the
28 claims; (c) the claims of the representative are typical of the claims of the class; (d) the class

1 representative has and will fairly and adequately protect the interests of the class; (e) a class action is
2 superior to other available methods for an efficient adjudication of this controversy in the context of
3 settlement; and (f) the law firm of Ferraro Vega Employment Lawyers, Inc. is qualified and adequate
4 to serve as Class Counsel in this action.

5 5. The Court confirms certification, for settlement purposes only, of the class as defined in
6 the Settlement and approved at the preliminary approval stage.

7 6. The Court finds and determines the terms set forth in the Settlement are fair, reasonable,
8 and adequate and, having found the Settlement was reached as a result of informed and non-collusive
9 arms'-length negotiations, directs the Parties to effectuate the Settlement according to its terms. The
10 Court further finds the Parties conducted extensive investigation, research, and informal discovery,
11 and that their attorneys were able to reasonably evaluate their respective positions. The Court also
12 finds that Settlement will enable the Parties to avoid additional and potentially substantial litigation
13 costs, as well as delay and risks if the Parties were to continue to litigate the case. The Court has
14 reviewed the monetary recovery and recognizes the significant value provided to the Class. Therefore,
15 the Court approves the Settlement and incorporates the terms of the Settlement in full into this Final
16 Approval Order as though fully set forth herein.

17 7. The Court finds and determines the fees and expenses in administering the Settlement
18 incurred by the Settlement Administrator are fair and reasonable. The Court orders these
19 administration costs be paid in accordance with the terms of the Settlement.

20 8. The Court finds and determines the Service Award of \$7,500 to Plaintiff Chance as fair
21 and reasonable. The Court orders the service awards be paid in accordance with the terms of the
22 Settlement.

23 9. The Court finds and determines payment to the California Labor and Workforce
24 Development Agency of \$3,000, as its 75% share of the civil penalties under the Private Attorneys
25 General Act is fair, reasonable, and appropriate. The Court orders that amount be paid in accordance
26 with the terms of the Settlement and approves the settlement of claims under the Private Attorneys
27 General Act pursuant to Labor Code § 2699(I)(2).
28

1 10. Pursuant to the terms of the Settlement and the statutory provisions authorizing
2 attorneys' fees under the California Labor Code and Code of Civil Procedure, as set forth in the Motion
3 for Attorneys' Fees, the Court awards Class Counsel attorneys' fees of \$40,833.33 and litigation costs
4 of \$2,352.97, in addition to the Settlement Administration Costs set forth in the Settlement. Class
5 Counsel has sufficiently explained the basis for the fee award based on a percentage of the fund. The
6 Court finds such amounts to be fair and reasonable. The Court orders the Settlement Administrator to
7 make these payments in accordance with the Settlement.

8 11. Without affecting the finality of this Order or the entry of judgment in any way, the
9 Court retains jurisdiction of all matters relating to the interpretation, administration, implementation,
10 and enforcement of this Order and the Settlement.

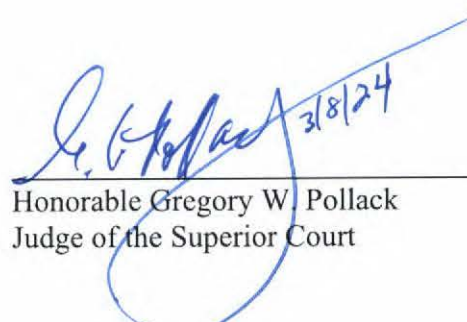
11 12. Nothing in this Order shall preclude any action to enforce the Parties' obligations under
12 the Settlement or under this Order, including the requirement that Defendants make payments to Class
13 Members in accordance with the Settlement.

14 13. The Court hereby ENTERS FINAL JUDGMENT in accordance with the terms of the
15 Settlement, in accordance with this Final Approval Order and Judgment.

16 14. The Parties shall comply with Cal. Rules of Court Rule 3.771(b), by filing a Notice of
17 Entry of Judgment with the Court.

18
19 **IT IS SO ORDERED.**

20
21 Date: _____



Honorable Gregory W. Pollack
Judge of the Superior Court

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - March 07, 2024

EVENT DATE: 03/08/2024

EVENT TIME: 09:30:00 AM

DEPT.: C-71

JUDICIAL OFFICER: Gregory W Pollack

CASE NO.: 37-2022-00018968-CU-OE-CTL

CASE TITLE: CHANCE VS COLONNAS SHIP YARD INCORPORATED [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED: Motion for Approval of Class Settlement, 02/09/2024

The Court rules on the motions for final approval of class settlement and motion for attorneys' fees and costs as follows:

These unopposed motions are granted for the reasons stated below.

The terms of the settlement are as follows: Defendant Colonna's Shipyard West, LLC (Defendant) will pay a gross settlement of \$122,500.00 to the class, which includes attorneys' fees and costs, settlement administration costs, a representative enhancement and PAGA payments to the LWDA and the class. (Ferraro Dec., Exh. 1.) The estimated net settlement is \$63,813.00. (Gonzalez Dec., ¶11.)

There have been no objections and one opt out. (Gonzalez Dec., ¶¶7-8.)

Legal Standard. When faced with a motion for final approval of a class action settlement, a court's inquiry is whether the settlement is "fair, adequate and reasonable." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801 fn. 7 (hereafter *Dunk*)). California strongly favors settlements. (*Western Steamship Lines, Inc. v. San Pedro Peninsula Hosp.* (1994) 8 Cal.4th 100, 110.)

The presumption of fairness exists where, as here "(1) the settlement is reached through arm's length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation, and (4) the percentage of objectors is small. (*Dunk, supra*, 48 Cal.App.4th at p. 1802.)

The factors that courts routinely consider in reviewing a proposed settlement are: (1) the strength of the plaintiffs' case, (2) the risk, complexity, length, and expense of continued litigation, (3) the risk of maintaining class action status through trial, (4) the amount offered in settlement, (5) the stage of the proceedings and the amount of discovery already undertaken at the time of the settlement, (6) the experience and views of counsel, and (7) the reaction of the class members to the proposed settlement. (*7-Eleven Owners for Fair Franchising v. Southland Corp.* (2000) 85 Cal.App.4th 1135, 1166-1167.)

Here, Plaintiff Seth Chance (Plaintiff) presented evidence establishing that the settlement is fair and adequate. (Ferraro Preliminary Approval Dec. ¶18.) The parties engaged in arm's length negotiations and extensive investigation and discovery. (*Ibid.*) Finally, counsel for Plaintiff is experienced and skilled in class actions. (*Id.*, at ¶¶24-35.)

In addition, Defendant does not oppose the following proposed payments: (1) Class representative

CASE TITLE: CHANCE VS COLONNAS SHIP CASE NUMBER: 37-2022-00018968-CU-OE-CTL
YARD INCORPORATED [IMAGED]

payment of \$7,500.00, (2) attorney fees and litigation costs of up to \$40,833.33 and \$2,352.97, respectively, (3) claims administration costs of \$5,000.00, and (4) LWDA penalties totaling \$4,000.00. (Gonzalez Dec., ¶11.)

IT IS SO ORDERED.