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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES
CIVIL UNLIMITED

JAIME UGARTE and JULIAN PINEDA,
Individually and On Behalf of All Other
Similarly Situated Employees,

Plaintiffs,

vs.

S.P. CARPET PROS, INC.; HOME
DEPOT U.S.A., INC; J.W. FLOOR
COVERING INC.; AND DOES 2
THROUGH 100, inclusive,

Defendants.

Case No.: BC613043

~~PROPOSED~~ **JUDGMENT
GRANTING FINAL APPROVAL OF
CLASS ACTION SETTLEMENT**

Date: December 12, 2023

Time: 11:00 a.m.

Department: 14

Judge: Hon. Kenneth R. Freeman

Complaint Filed: March 8, 2016

FILED

Superior Court of California
County of Los Angeles

12/20/2023

David W. Slayton, Executive Officer / Clerk of Court

By: I. Arellanes Deputy

1 WHEREAS, on March 20, 2023 this Court executed an ORDER GRANTING
2 PRELIMINARY APPROVAL OF THIS CLASS ACTION SETTLEMENT with the following
3 Defendants (“Settling Defendants”):

- 4 **1. S.P. Carpet Pros, Inc.**
- 5 **2. Home Depot U.S.A., Inc.**
- 6 **3. J.W. Floor Covering, Inc.**

7 WHEREAS, on 12/20/2023 this Court executed THE ORDER GRANTING
8 FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND AWARD OF ATTORNEYS’
9 FEES, COSTS AND SERVICE AWARDS (attached as Exhibit A) with the Settling Defendants
10 finding the Settlement to be fair, reasonable and adequate.

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Judgment shall be
12 entered for the Plaintiffs and against Settling Defendants as set forth in and in accordance with
13 THE ORDER GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND
14 AWARD OF ATTORNEYS’ FEES, COSTS AND SERVICE AWARDS, and that the Court
15 retains jurisdiction, including pursuant to California rule of Court 3.760(h) and California Code of
16 Civil Procedure section 6646, over the parties to this action.

17 A hearing re Distribution of Funds will take place on 9/20/2024 at 4:00 PM in Department
18 14 at the Spring Street Courthouse. The Parties will file a Declaration Re: Distribution of Funds
19 no later than by noon on 9/18/2024 and an Order to Show Cause Hearing will be set if said
20 declaration is not filed by said date and time.

21 DATED: 12/20/2023



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23 
24 Hon. Kenneth R. Freeman
25 Judge of the Superior Court
26 Kenneth R. Freeman / Judge
27
28

EXHIBIT A

Robert S. Arns, State Bar No. 65071, rsa@arnslaw.com
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COVERING INC.; AND DOES 2
THROUGH 100, inclusive,

Defendants.

Case No.: BC613043

**[PROPOSED] ORDER GRANTING
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT AND
AWARD OF ATTORNEYS' FEES,
COSTS, AND SERVICE AWARDS**

Date: December 12, 2023

Time: 11:00 a.m.

Department: 14

Judge: Hon. Kenneth R. Freeman

Complaint Filed: March 8, 2016

1 Plaintiffs Jaime Ugarte and Julian Pineda now move for an order finally approving the
2 settlement, awarding attorneys' fees and costs, and approving service awards for the Named
3 Plaintiffs. This Motion came on for hearing in Department 14 of this Court on December 12, 2023
4 at 11:00 a.m.

5 Having read the motion, the memorandum of points and authorities in support, the
6 declarations filed in support, and heard the argument of counsel, the Court finds that the proposed
7 settlement appears fair, reasonable and adequate; attorneys' fees, litigation costs, and service
8 awards are all reasonable; settlement administration costs are reasonable; the State of California's
9 Labor and Workforce Development Agency ("LWDA") will be reasonably compensated; and the
10 parties have contemplated an effective and efficient manner of distributing funds to the Class
11 Members. The Court, therefore, GRANTS Plaintiffs' motion and orders final approval of the
12 settlement, and **HEREBY ORDERS THE FOLLOWING:**

- 13 1. This Court has jurisdiction over the claims of the Class Members asserted in this proceeding
14 and over all parties to this action.
- 15 2. For the reasons set forth in the Court's Preliminary Approval Order, which are adopted and
16 incorporated herein by reference, this Court that the applicable requirements of the California
17 Code of Civil Procedure § 382, Rule 3.769 of the California Rules of Court have been satisfied
18 with respect to the Class and the proposed Settlement. The Court hereby makes final its earlier
19 provisional certification of the Class, as set forth in the Preliminary Approval Order.
- 20 3. The Class Notice provided to the Class Members fully and accurately informed the Class of
21 all material elements of the proposed Settlement and of their opportunity to object to or
22 comment thereon; was the best notice practicable under the circumstances; was valid, due and
23 sufficient notice to Class Members; and complied fully with the laws of the State of California,
24 the United States Constitution, due process and other applicable law. The Class Notice fairly
25 and adequately described the Settlement and provided Class Members adequate instructions
26 and a variety of means to obtain additional information. A full opportunity has been afforded
27 to the Class Members to participate in this hearing, and all Class Members and other persons
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1 wishing to be heard have been heard. No individuals submitted valid and timely requests for
2 exclusion or objections. Accordingly, the Court determines that all Class Members who did
3 not timely and properly execute a request for exclusion are bound by this Order and Judgment.

4 4. Pursuant to California law, the Court hereby grants final approval to the Settlement and finds
5 it reasonable and adequate, and in the best interests of the Class as a whole. More specifically,
6 the Court finds that the Settlement was reached following meaningful discovery and
7 investigation conducted by Class Counsel; that the Settlement is the result of serious, informed,
8 adversarial, and arms-length negotiations between the Parties; and that the terms of the
9 Settlement are in all respects fair, adequate, and reasonable. In so finding, the Court has
10 considered all of the evidence presented, including evidence regarding the strength of
11 Plaintiffs' case; the risk, expense, and complexity of the claims presented; the likely duration
12 of further litigation; the amount offered in Settlement; the extent of investigation and discovery
13 completed; and the experience and views of Class Counsel. The Court has further considered
14 the lack of any requests for exclusion from the class and that no written objections to the
15 Settlement were submitted by Class Members. For the reasons discussed above, the Court
16 hereby directs that the Settlement be effected in accordance with the Settlement Agreement
17 and the following terms and conditions.

18 5. It is hereby ordered that a service award of \$7,500 be made to each Named Plaintiff: Jaime
19 Ugarte and Julian Pineda. The Court finds these amounts fair and reasonable in light of their
20 services to the Class.

21 6. With this final approval of the proposed Settlement, it is hereby ordered that all claims,
22 demands, rights, liabilities and causes of action that were or could have been asserted between
23 March 8, 2012 through the date of Preliminary Approval, March 20, 2023, and based on the
24 facts alleged in the operative complaint against Defendants, and all of its former and present
25 parents, subsidiaries, and affiliates, and its current and former owners, officers, directors,
26 employees, consultants, managers, partners, insurers, members, shareholders and agents, and
27 their predecessors and successors, assigns, and legal representatives of all such entities and
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1 individuals (the “Released Parties”), whether in tort, contract, or otherwise, for violation of
2 any state or federal law, whether for economic damages, non-economic damages, restitution,
3 penalties, or other monies as well as claims for penalties and interest on all such claims,
4 damages, or penalties, are hereby barred.

5 7. For the reasons set forth in the Motion for Award of Attorneys’ Fees, Costs, and Service
6 Awards, Class Counsel’s attorneys’ fee request in the amount of \$1,066,560 is hereby granted
7 pursuant to California law because Class Counsel’s request falls within the range of
8 reasonableness and the result achieved justified the award.

9 8. The Court shall examine the final distribution at a Case Review Hearing set on September 20,
10 2024 at 4:00 p.m. in Department 14. The parties will submit a declaration regarding distribution
11 no later than 12:00 p.m. on September 18, 2024. If the declaration is not filed by said time and
12 date, an Order to Show Cause hearing will be set.

13 9. Class Counsel has submitted a declaration including a cost ledger with their expenses in
14 prosecuting this action. The amount of \$16,657.57 in Class Counsel’s fees is hereby approved
15 as reasonably incurred.

16 10. Costs incurred by the Settlement Administrator, Phoenix Class Action Administration
17 Solutions shall be paid out of the Gross Settlement Amount and shall not exceed \$38,755.

18 11. Pursuant to the Settlement Agreement, \$20,000 shall be paid out of the Gross Settlement
19 Amount with 25% paid to the aggrieved employees (\$5,000) and 75% paid to the LWDA
20 (\$15,000).

21 12. The Court orders distribution to Class Members from the Net Settlement Amount in the manner
22 set forth in the Settlement Agreement and any unclaimed funds shall be distributed in the
23 manner set forth in the Settlement Agreement.

24 13. Neither the making of the Settlement Agreement nor the entry into the Settlement Agreement
25 constitutes an admission by Defendants, or is this Order a finding of the validity of any claims
26 in the operative complaint or of any other wrongdoing. Further, the Settlement Agreement is
27 not a concession, and shall not be used as an admission of any wrongdoing, fault, or omission
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1 of any entity or persons; nor may any action taken to carry out the terms of the Settlement
2 Agreement be construed as an admission or concession by or against Defendants or any related
3 person or entity.

4 **IT IS SO ORDERED.**

5
6 DATED: _____, 2023

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8 By: _____
9 Hon. Kenneth R. Freeman
10 Judge of the Superior Court
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Ugarte v. Professional Flooring Installation, Inc.
LA Superior Court Case No. BC613043

CERTIFICATE OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States, over the age of 18 years and not a party to, nor interested in, the above-entitled action. I am an employee of Arns Davis Law Firm, A Professional Corporation, and my business address is 515 Folsom Street, 3rd Floor, San Francisco, CA 94105

On December 12, 2023, I served the following: **[PROPOSED] JUDGMENT GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

on all interested parties in the above cause, by:

 X **ONLY BY ELECTRONIC TRANSMISSION** Only by emailing the document(s) to the persons at the e-mail address(es). This is necessitated during the declared National Emergency due to the Coronavirus (COVID-19) pandemic because this office will be working remotely, not able to send physical mail as usual, and is therefore using only electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission. We will provide a physical copy, upon request only, when we return to the office at the conclusion of the national emergency.

The envelopes were addressed as follows:

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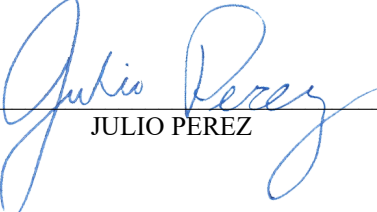
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Counsel for S.P. Carpet Pros, Inc.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Executed on December 12, 2023 at San Francisco, California.



JULIO PEREZ

[PROPOSED] JUDGMENT GRANTING FINAL APPROVAL OF CLASS ACTION SETTLEMENT