

AEGIS LAW FIRM, PC

KASHIF HAQUE, State Bar No. 218672
SAMUEL A. WONG, State Bar No. 217104
JESSICA L. CAMPBELL, State Bar No. 280626
KRISTY R. CONNOLLY, State Bar No. 328477
9811 Irvine Center Drive, Suite 100
Irvine, California 92618
Telephone: (949) 379-6250
Facsimile: (949) 379-6251
Email: kconnolly@aegislawfirm.com

Attorneys for Plaintiff Sarah Elizabeth Lewis, individually,
and on behalf of all others similarly situated.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN BERNARDINO

SARAH ELIZABETH LEWIS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

APPLIED EARTHWORKS, INC.; and
DOES 1 through 20, inclusive,

Defendants.

Case No. CIVSB2207045

*Assigned for All Purposes to:
Judge Jessica L. Morgan
Dept. S26*

**NOTICE OF ENTRY OF FINAL ORDER
AND JUDGMENT**

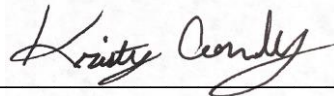
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TO THE PARTIES HEREIN AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 3, 2023, the Court granted final approval of the class action settlement in this action and entered Judgment. Attached hereto as **Exhibit A** is a true and correct copy of the Final Order.

Dated: November 6, 2023

AEGIS LAW FIRM, PC



Kristy R. Connolly
Attorneys for Plaintiff Sarah Elizabeth Lewis

EXHIBIT A

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

NOV 03 2023

By 
Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO**

SARAH ELIZABETH LEWIS,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

APPLIED EARTHWORKS, INC.; and
DOES 1 through 20, inclusive,

Defendants.

Case No. CIVSB2207045

Assigned for all purposes to
Hon. Judge David Cohn
Dept. S26

**[PROPOSED] ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT AND ENTERING JUDGMENT**

NOV 03 2023

Date: September 6, 2023
Time: 9:00 a.m.
Dept: S26

NOV 03 2023

1 This matter came on for hearing on ~~September 6, 2023~~, at 9:00 a.m., in Department S26
2 of the above-captioned Court on the unopposed Motion for Final Approval of Class Action
3 Settlement pursuant to California Rule of Court 3.769, this Court's Order Granting Preliminary
4 Approval entered on May 24, 2023 and the Joint Stipulation of Class and Representative PAGA
5 Action Settlement ("Settlement Agreement"), a copy of which was filed in conjunction with the
6 Plaintiff's Motion for Preliminary Approval of Class Action Settlement as Exhibit A to the
7 Declaration of Kristy R. Connolly In Support of Motion for Preliminary Approval of Class
8 Action Settlement.

9 Having received and considered the Settlement Agreement, the supporting papers filed by
10 the Parties, and the evidence and argument received by the Court in conjunction with the
11 unopposed Motion for Preliminary Approval of Class Action Settlement heard on May 24, 2023
12 and the instant Motion for Final Approval, the Court grants final approval of the Settlement and
13 HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

14 1. Pursuant to the Order Granting Preliminary Approval, a Notice Packet was sent to
15 each Settlement Class Member by first-class mail. These papers informed the Settlement Class
16 of the terms of the Settlement, their right to receive an Individual Settlement Payment, their right
17 (a) to comment on or object to the Settlement, (b) to request exclusion from the Settlement and
18 pursue their own remedies, and (c) of their right to appear in person or by counsel at the final
19 approval hearing and to be heard regarding approval of the Settlement. Adequate periods of time
20 were provided by each of these procedures. No member of the Class filed written objection to
21 the proposed Settlement as part of this notice process or stated an intention to appear at the final
22 approval hearing.

23 2. The Court finds and determines that this notice procedure afforded adequate
24 protections to Settlement Class Members and provides the basis for the Court to make an informed
25 decision regarding approval of the Settlement based on the responses of the Settlement Class.
26 The Court finds and determines that the notice provided in this case was the best notice
27 practicable, which satisfied the requirements of law and due process.
28

1 3. With respect to the Settlement Class and for purposes of approving this Settlement
2 only, this Court finds and concludes that: (a) the members of the Settlement Class are
3 ascertainable and so numerous that joinder of all members is impracticable; (b) there are questions
4 of law or fact common to the Class, and there is a well-defined community of interest among
5 members of the Class with respect to the subject matter of the Action; (c) the claims of Class
6 Representative Sarah Elizabeth Lewis are typical of the claims of the members of the Settlement
7 Class; (d) the Class Representative has fairly and adequately protected the interests of the
8 members of the Settlement Class; (e) a class action is superior to other available methods for an
9 efficient adjudication of this controversy; and (f) the counsel of record for the Class
10 Representative, i.e., Class Counsel, are qualified to serve as counsel for Plaintiff in their
11 individual and representative capacities for the Class.

12 4. The Court has certified a Class, as that term is defined in and by the terms of the
13 Settlement Agreement as all current and former non-exempt employees who are or were
14 employed by Defendant in California at any time during the Class Period of October 15, 2017
15 through May 17, 2023, and the Court deems this definition sufficient for purposes of California
16 Rule of Court 3.765(a).

17 5. The Court hereby confirms Aegis Law Firm, PC as Class Counsel.

18 6. The Court hereby confirms Plaintiff Sarah Elizabeth Lewis as the Class
19 Representative in this Action.

20 7. The Court finds and determines that the terms set forth in the Settlement
21 Agreement are fair, reasonable, and adequate and directs the Parties to effectuate the Settlement
22 according to its terms, having found that the Settlement was reached as a result of informed and
23 non-collusive arm's-length negotiations facilitated by a neutral mediator. The Court further finds
24 that the Parties conducted extensive investigation, research, and discovery and that their attorneys
25 were able to reasonably evaluate their respective positions. The Court also finds that the
26 Settlement will enable the Parties to avoid additional and potentially substantial litigation costs,
27 as well as delay and risks if the Parties were to continue to litigate the case. The Court has
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1 reviewed the monetary recovery provided as part of the Settlement and recognizes the significant
2 value accorded to the Class.

3 8. The Court further finds and determines that the terms of the Settlement are fair,
4 reasonable and adequate to the Settlement Class and to each Settlement Class Member and that
5 the Settlement is ordered finally approved, and that all terms and provisions of the Settlement
6 should be and hereby are ordered to be consummated.

7 9. The Court hereby approves the Gross Settlement Amount of \$433,000.00.

8 10. The Court finds and determines that the Individual Settlement Payments to be paid
9 to participating Settlement Class Members as provided for by the Settlement are fair and
10 reasonable. The Court hereby gives final approval to and orders the payment of those amounts
11 be made to the participating Settlement Class Members in accordance with the Settlement
12 Agreement.

13 11. The Court finds and determines that payment to the California Labor and
14 Workforce Development Agency of \$7,500.00 as its share of the settlement of civil penalties in
15 this case is fair, reasonable, and appropriate. The Court hereby gives final approval to and orders
16 that the payment of that amount be paid in accordance with the Settlement Agreement.

17 12. The Court finds and determines that the fees and expenses in administering the
18 Settlement incurred by ILYM Group, Inc. in the amount of \$7,250.00, are fair and reasonable.
19 The Court hereby gives final approval to and orders that the payment of that amount in accordance
20 with the Settlement.

21 13. The Court finds and determines the Class Representative Enhancement Award
22 of up to \$7,500.00 for Plaintiff is fair and reasonable. The Court hereby orders the
23 Administrator to make this payment to the Plaintiff/Class Representative in accordance with the
24 terms of the Settlement Agreement.

25 14. Pursuant to the terms of the Settlement, and the authorities, evidence and
26 argument submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees
27 in the sum of \$144,333.33 and litigation costs of \$12,578.39. The Court finds such amounts to
28

1 be fair and reasonable. The Court hereby orders the Settlement Administrator to make these
2 payments in accordance with the terms of the Settlement Agreement.

3 15. Without affecting the finality of this order or the entry of judgment in any way,
4 the Court retains jurisdiction of all matters relating to the interpretation, administration,
5 implementation, effectuation, and enforcement of this order and the Settlement.

6 16. Neither Defendant nor any related persons or entities shall have any further
7 liability for costs, expenses, interest, attorneys' fees, or for any other charge, expense, or liability,
8 except as provided for by the Settlement Agreement.

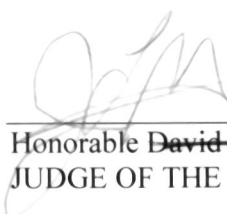
9 17. Neither the making of the Settlement Agreement nor the entry into the Settlement
10 Agreement constitutes an admission by Defendant, nor is this order a finding of the validity of
11 any claims in this case or of any other wrongdoing. Further, the Settlement Agreement is not a
12 concession, and shall not be used as an admission of any wrongdoing, fault, or omission of any
13 entity or persons; nor may any action taken to carry out the terms of the Settlement Agreement
14 be construed as an admission or concession by or against Defendant or any related person or
15 entity.

16 18. Nothing in this order shall preclude any action to enforce the Parties' obligations
17 under the Settlement or under this order, including the requirement that Defendants make
18 payment to the participating Settlement Class Members in accordance with the Settlement.

19 19. The Court hereby enters final judgment in accordance with the terms of the
20 Settlement Agreement, the Order Granting Preliminary Approval of Class Action Settlement
21 entered on May 24, 2023 and this Order.

22 20. The Parties will bear their own costs and attorneys' fees except as otherwise
23 provided by this Court's Order awarding Class Counsels' Award for attorneys' fees and litigation
24 costs.

25 DATED: 11/3, 2023

26  Jessica L. Morgan
27 Honorable David Cohn
28 JUDGE OF THE SUPERIOR COURT