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*Attorneys for Plaintiff Raquel Caro Santiago
and Steve Lopez*

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

12/04/2023 at 03:17:00 PM

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

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

RAQUEL CARO SANTIAGO *et al.*

Plaintiffs,

vs.

SOUTHWEST KEY PROGRAM *et al.*

Defendants.

Case No. 37-2022-00021991-CU-OE-CTL

*Hon. Marcella O. McLaughlin
Dept. 72*

CLASS ACTION

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

Action Filed: June 8, 2022

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

3 1. On November 17, 2023, at 1:30 p.m. in this Department, the Court entered the Order
4 and 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 Court issued the Tentative Ruling attached hereto as Exhibit 2.

7 3. The Judge confirmed the Court's Tentative Ruling attached hereto as Exhibit 3.

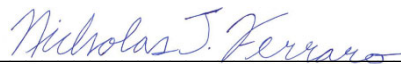
8 4. A copy of this Notice has been submitted to the LWDA via its online electronic portal
9 in accordance with Labor Code § 2699(1)(3).

10 5. Plaintiffs hereby provide notice of the Court's final ruling and entry of judgment.

11
12 Respectfully submitted,

13
14 Dated: December 4, 2023

Ferraro Vega Employment Lawyers, Inc.

15 

16 Nicholas J. Ferraro

17 *Attorneys for Plaintiffs Raquel Caro Santiago*
18 *and Steve Lopez*

EXHIBIT 1

FILED
Clerk of the Superior Court

NOV 17 2023

By: V. Secaur

ELECTRONICALLY RECEIVED

Superior Court of California,
County of San Diego

10/23/2023 at 09:15:15 AM

Clerk of the Superior Court
By Nora Lopez, Deputy Clerk

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

RAQUEL CARO SANTIAGO, *et al.*

Plaintiffs,

vs.

SOUTHWEST KEY PROGRAM, *et al.*

Defendants.

Case No. 37-2022-00021991-CU-OE-CTL

Hon. Marcella O. McLaughlin
Dept. 72

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: November 17, 2023

Time: 1:30 p.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,
Declaration of Plaintiff Caro Santiago, and
Declaration of Plaintiff Lopez]

Action Filed: June 8, 2022

1 This matter came on for hearing on November 17, 2023 at 1:30 p.m. in Department 72 of the
2 above-captioned Court, the Honorable Marcella O. McLaughlin presiding, on (1) Plaintiffs' Motion for
3 Final Approval of Class Action Settlement and (2) Plaintiffs' Motion for Attorneys' Fees and Costs.

4 Having received and considered the motions and supporting papers, including the Class Action
5 Settlement Agreement ("Settlement"), the evidence and documents received by the Court in connection
6 with the Motions for Final Approval and Attorneys' Fees and Costs, and the previously decided Motion
7 for Preliminary Approval, the Court GRANTS FINAL APPROVAL of the Settlement and ORDERS
8 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. No class members requested exclusion
18 from the Settlement.

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

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

1 superior to other available methods for an efficient adjudication of this controversy in the context of
2 settlement; and (f) the law firm of Ferraro Vega Employment Lawyers, Inc. is qualified and adequate
3 to serve as Class Counsel in this action.

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

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

17 7. The Court finds and determines the fees and expenses in administering the Settlement
18 incurred by the Settlement Administrator of \$9,000 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 Awards totaling \$10,000 (5,000 each) to
21 Plaintiff Caro Santiago and Plaintiff Lopez as fair and reasonable. The Court orders the service awards
22 be paid in accordance with the terms of the Settlement.

23 9. The Court finds and determines payment to the California Labor and Workforce
24 Development Agency of \$15,000, 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(1)(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 \$116,655 and litigation costs
4 of \$14,312.42. Class Counsel has sufficiently explained the basis for the fee award based on a
5 percentage of the fund. The Court finds such amounts to be fair and reasonable. The Court orders the
6 Settlement Administrator to make these payments in accordance with the Settlement.

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

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

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

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

17
18 **IT IS SO ORDERED.**

19
20 Date: NW. 17, 2023



The Honorable Marcella O. McLaughlin
Judge of the Superior Court

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - November 16, 2023

EVENT DATE: 11/17/2023

EVENT TIME: 01:30:00 PM

DEPT.: C-72

JUDICIAL OFFICER: Marcella O McLaughlin

CASE NO.: 37-2022-00021991-CU-OE-CTL

CASE TITLE: SANTIAGO VS SOUTHWEST KEY PROGRAM INC [E-FILE]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED: Motion for Approval of Class Settlement, 06/29/2023

The unopposed motion for final approval of class action settlement is GRANTED.

A. The court finds that the settlement is fair, reasonable, and adequate. Accordingly, the court approves the parties' proposed settlement.

B. The litigation costs of \$14,312.42, payable to class counsel, and the settlement administration costs of \$9,000, payable to Phoenix, are reasonable for a case of this type. Moreover, the litigation costs are significantly less than the amount originally requested in the preliminary approval papers (\$24,000). The costs are therefore approved.

C. The proposed the service awards (\$5,000 to each plaintiff) are reasonable and approved.

D. Finally, the attorneys' fees proposal of \$116,655 represents one-third of the gross settlement fund. This is not out of line with class action fee awards calculated using the percentage-of-the-benefit method. See *Chavez v. Netflix, Inc.* (2008) 162 Cal.App.4th 43, 66 fn. 11. In addition, upon performing a "cross-check" using the lodestar method, the court finds that the requested attorneys' fees are reasonable. According to the declaration of class counsel, the attorneys assigned to this matter billed a total of 220 hours. (Ferraro Decl., ¶ 9.) This results in a blended hourly rate of approximately \$530.20 (\$116,655 divided by 220), which is reasonable for similar work in San Diego County during the relevant time period. See *Cordero-Sacks v. Housing Authority of City of Los Angeles* (2011) 200 Cal.App.4th 1267, 1286 ("The trial court is in the best position to determine the reasonableness of the hourly rate of an attorney appearing before the court and the value of the attorney's professional services."). The requested fee award of \$116,655 is therefore approved.

E. The court will sign the proposed order (ROA 61) submitted with the moving papers.

EXHIBIT 3

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL**

MINUTE ORDER

DATE: 11/17/2023

TIME: 01:30:00 PM

DEPT: C-72

JUDICIAL OFFICER PRESIDING: Marcella O McLaughlin

CLERK: Valerie Secaur

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT: J. Palomo

CASE NO: **37-2022-00021991-CU-OE-CTL** CASE INIT.DATE: 06/08/2022

CASE TITLE: **SANTIAGO vs SOUTHWEST KEY PROGRAM INC [E-FILE]**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

MOVING PARTY: Raquel Caro Santiago, Steve Lopez

CAUSAL DOCUMENT/DATE FILED: Motion for Approval of Class Settlement, 06/29/2023

APPEARANCES

Lauren Nicole Vega, counsel, present for Plaintiff(s).

HEARING ON MOTION FOR FINAL APPROVAL OF CLASS SETTLEMENT

The Court confirms the tentative ruling as follows:

The unopposed motion for final approval of class action settlement is GRANTED.

A. The court finds that the settlement is fair, reasonable, and adequate. Accordingly, the court approves the parties' proposed settlement.

B. The litigation costs of \$14,312.42, payable to class counsel, and the settlement administration costs of \$9,000, payable to Phoenix, are reasonable for a case of this type. Moreover, the litigation costs are significantly less than the amount originally requested in the preliminary approval papers (\$24,000). The costs are therefore approved.

C. The proposed the service awards (\$5,000 to each plaintiff) are reasonable and approved.

D. Finally, the attorneys' fees proposal of \$116,655 represents one-third of the gross settlement fund. This is not out of line with class action fee awards calculated using the percentage-of-the-benefit method. See *Chavez v. Netflix, Inc.* (2008) 162 Cal.App.4th 43, 66 fn. 11. In addition, upon performing a "cross-check" using the lodestar method, the court finds that the requested attorneys' fees are reasonable. According to the declaration of class counsel, the attorneys assigned to this matter billed a total of 220 hours. (Ferraro Decl., ¶ 9.) This results in a blended hourly rate of approximately \$530.20 (\$116,655 divided by 220), which is reasonable for similar work in San Diego County during the relevant time period. See *Cordero-Sacks v. Housing Authority of City of Los Angeles* (2011) 200 Cal.App.4th 1267, 1286 ("The trial court is in the best position to determine the reasonableness of the hourly rate of

an attorney appearing before the court and the value of the attorney's professional services."). The requested fee award of \$116,655 is therefore approved.

E. The court signs the proposed order (ROA 61) submitted with the moving papers.

IT IS SO ORDERED.



Judge Marcella O McLaughlin