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Attorneys for Plaintiff Vladimiro Gutierrez

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

02/13/2024 at 10:39:00 AM

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

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

VLADIMIRO GUTIERREZ *et al.*

Plaintiff,

vs.

REDI-CARPET SALES OF CALIFORNIA,
LLC *et al.*

Defendants.

Case No. 37-2022-00021779-CU-OE-CTL

Hon. Loren G. Freestone
Dept. 64

CLASS ACTION

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

Action Filed: June 7, 2022

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

3 1. On February 9, 2024, at 10:30 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. Plaintiff hereby provide notice of the Court's final ruling and entry of judgment.

10
11 Respectfully submitted,

12
13 Dated: February 13, 2024

Ferraro Vega Employment Lawyers, Inc.

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15 _____
16 Nicholas J. Ferraro
17 Lauren N. Vega
18 Attorneys for Plaintiff Vladimiro Gutierrez
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EXHIBIT 1

FILED
Clerk of the Superior Court

FEB 09 2024

By: J. Virissimo, Deputy

ELECTRONICALLY RECEIVED
Superior Court of California,
County of San Diego

01/30/2024 at 11:57:32 AM
Clerk of the Superior Court
By Adriana Ives Anzalone, Deputy Clerk

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

VLADIMIRO GUTIERREZ, *et al.*

Plaintiff,

vs.

REDI-CARPET SALES OF CALIFORNIA,
LLC, *et al.*

Defendants.

Case No. 37-2022-00021779-CU-OE-CTL

Hon. Loren G. Freestone
Dept. 64

CLASS ACTION

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

Motion for Final Approval/Attorneys' Fees:

Date: February 9, 2024 (Continued)

Time: 10:30 a.m.

Action Filed: June 7, 2022

1 This matter came on for hearing on January 26, 2024 at 10:30 a.m. in Department 64 of the
2 above-captioned Court, the Honorable Loren G. Freestone presiding, on (1) Plaintiff's Motion for Final
3 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 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 informed
11 the class of the terms of the Settlement, their right to receive a settlement payment without any required
12 action, their right to comment upon or object to the Settlement, and their right to appear in person or by
13 counsel at the Final Approval Hearing and to be heard regarding approval of the Settlement. Adequate
14 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 the
16 notice process or stated an intention to appear at the Final Approval Hearing and there were no dissenting
17 appearances from class members at the hearing. No class members requested exclusion from the
18 Settlement. The declaration provided by the Settlement Administrator confirms there are no opt outs
19 and no objectors.

20 3. The Court finds and determines the notice procedure afforded adequate protections to the
21 class and provides the basis for the Court's informed decision regarding approval of the Settlement based
22 the response. The Court finds and determines the notice provided was the best notice practicable,
23 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 impracticable;
26 (b) there are questions of law or fact common to the proposed class, and there is a well-defined
27 community of interest among members of the class with respect to the subject matter of the claims;
28 (c) the claims of the representative are typical of the claims of the class; (d) the class representative has

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

5 5. The Court confirms certification, for settlement purposes only, of the class, defined as
6 "all individuals currently or formerly employed by Defendants in California as hourly, non-exempt
7 employees with the job title "Installers" or "Helpers" during the Class Period." Settlement, p. 1. The
8 "Class Period" is June 7, 2018 through January 11, 2023. Settlement, p. 2.

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

19 7. The Court finds and determines the fees and expenses in administering the Settlement
20 incurred by the Settlement Administrator of \$10,000 are fair and reasonable. The Court orders these
21 administration costs be paid in accordance with the terms of the Settlement.

22 8. The Court finds and determines the Service Award of \$10,000 to Plaintiff Gutierrez as
23 fair and reasonable. The Court orders the service awards be paid in accordance with the terms of the
24 Settlement.

25 9. The Court finds and determines payment to the California Labor and Workforce
26 Development Agency of \$12,750, as its 75% share of the civil penalties under the Private Attorneys
27 General Act is fair, reasonable, and appropriate. The Court orders that amount be paid in accordance
28

1 with the terms of the Settlement and approves the settlement of claims under the Private Attorneys
2 General Act pursuant to Labor Code § 2699(1)(2).

3 10. Pursuant to the terms of the Settlement and the statutory provisions authorizing attorneys'
4 fees under the California Labor Code and Code of Civil Procedure, as set forth in the Motion for
5 Attorneys' Fees, the Court awards Class Counsel attorneys' fees of \$283,305 and litigation costs of
6 \$16,877.47. Class Counsel has sufficiently explained the basis for the fee award based on a percentage
7 of the fund. The Court finds such amounts to be fair and reasonable. The Court orders the Settlement
8 Administrator to make these payments in accordance with the Settlement.

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

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

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

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

19
20 **IT IS SO ORDERED.**

21
22 Date: 2/9/24

23 
The Honorable Loren G. Freestone
Judge of the Superior Court

EXHIBIT 2

SUPERIOR COURT OF CALIFORNIA,

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - February 08, 2024

EVENT DATE: 02/09/2024

EVENT TIME: 10:30:00 AM

DEPT.: C-64

JUDICIAL OFFICER: Loren G. Freestone

CASE NO.: 37-2022-00021779-CU-OE-CTL

CASE TITLE: GUTIERREZ VS REDI-CARPET SALES OF CALIFORNIA LLC [EFILE]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED:

TENTATIVE RULING

Plaintiff Vladimiro Gutierrez's unopposed motion for final approval of class action and PAGA settlement is **GRANTED**.

The class settlement is "fair, adequate, and reasonable." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1801.) The PAGA portion of the settlement is also "fair, reasonable, and adequate in view of PAGA's purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws." (*Moniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77.)

Accordingly, final approval is given to the following breakdown:

- Gross Settlement - \$850,000
- Attorney Fees - \$283,305
- Costs - \$16,877.47
- Service Award - \$10,000
- Administration - \$10,000
- LWDA Payment - \$12,750
- Employee Payment - \$517,067.53 (inclusive of both class payment and PAGA payment)

Payments to class members/aggrieved employees shall be made in accordance with the terms of the settlement agreement.

Gutierrez shall submit the signed order to the LWDA within 10 days. (Lab. Code, § 2699, subd. (l)(3).)