

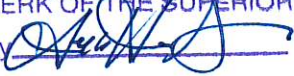
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FILED
ALAMEDA COUNTY

DEC 20 2023

CLERK OF THE SUPERIOR COURT

By  Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF ALAMEDA

10 HUNG PHAM, individually and on behalf
of all others similarly situated,

11 Plaintiff,

13 v.

14 WOOD TECH, INC., JUAN D.
15 FIGUEROA, HERBERT G. VEGA, and
DOES 2 through 10, inclusive,

16 Defendants.

Case No. 22CV011080

ASSIGNED FOR ALL PURPOSES TO JUDGE
BRAD SELIGMAN

DEPARTMENT 23

**[PROPOSED] ORDER OF FINAL
APPROVAL AND JUDGMENT**

Date: December 19, 2023
Time: 3:00 P.M.

Complaint Filed: May 10, 2022
Trial Date: Not Set

Reservation #: A-11080-002

20 **RECITALS**

21 WHEREAS, Hung Pham (the "Plaintiff" or "Class Representative") brought wage and hour
22 claims against Wood Tech, Inc., Juan D. Figueroa, and Herbert G. Vega ("Defendants") on behalf
23 of himself and other similarly situated individuals.

24 WHEREAS, Defendants deny any wrongdoing, fault, violation of law, or liability for
25 damages of any sort.

26 WHEREAS, on March 6, 2023, the Court certified a class on March 6, 2023, consisting of
27 all persons who are employed or have been employed as an hourly employee by Wood Tech, Inc. in
28 the State of California from May 10, 2018, until the date of distribution of class notice, appointed

1 Plaintiff Hung Pham as Class Representative and his counsel, Valerian Law, P.C., as Class Counsel,
2 and directed distribution of notice to members of the class regarding their rights to request
3 exclusion.

4 WHEREAS, on April 4, 2023, the Administrator, Phoenix Class Action Settlement
5 Administrators, provided Court-approved notice of class certification to 156 Class Members, and
6 one person opted out, resulting in a class of 155 Class Members.

7 WHEREAS, on June 30, 2023, the Parties entered into a Class Action and Private Attorneys
8 General Act Settlement Agreement (“Settlement Agreement” or “Settlement”). The Settlement
9 provides that Defendant Wood Tech, Inc. will make a non-reversionary payment of \$2,000,000.00
10 to settle the class and PAGA claims.

11 WHEREAS, on July 28, 2023, the Court preliminarily approved the Settlement, deeming it
12 to be a fair and reasonable result for the Class.

13 WHEREAS, on September 1, 2023, Phoenix Class Action Settlement Administrators
14 (“Administrator”) provided Court-approved notice of the Settlement to the 155 Class Members.

15 WHEREAS, no Class Member submitted a written objection to the Settlement.

16 WHEREAS, on November 21, 2023, Plaintiff filed a Motion for Award of Attorneys’ Fees
17 and Costs, and no party opposed the motion.

18 WHEREAS, on December 12, 2023, Plaintiff filed a Motion for Final Approval of the
19 Settlement, and no party opposed the motion.

20 WHEREAS, on December 19, 2023, the Court held a Final Approval Hearing, and no Class
21 Member objected to the Settlement.

22 **FINDINGS AND CONCLUSIONS ON FINAL APPROVAL**

23 **THE COURT NOW FINDS AND ORDERS AS FOLLOWS:**

24 1. Plaintiff’s Motion for Final Approval of the Settlement and Motion for Award of
25 Attorneys’ Fees and Costs are hereby GRANTED in their entirety. The Settlement is ORDERED
26 APPROVED in its entirety. The terms of the Settlement Agreement are incorporated, and made part
27 of this Order, as if copied herein, and shall be effective, implemented, and enforced as provided in
28 the Settlement Agreement. The Parties to the Settlement are directed to effectuate its terms.

1 2. This Order of Final Approval and Judgment incorporates the Settlement Agreement,
2 and the capitalized terms used herein shall have the meanings and/or definitions given to them in the
3 Settlement Agreement.

4 **Distribution of Class Notice**

5 3. The Court finds that notice to the class has been provided in full compliance with the
6 requirements of the California Rules of Court and due process of law.

7 4. The Court finds that due and adequate notice of the Settlement has been provided to
8 the Class. The short form and long form class notice ("Class Notice") approved by the Court was
9 distributed to Class Members. The Class Notice provided an accurate, objective, and clear
10 explanation of the nature of the case and the terms of the Settlement, including the anticipated
11 requests for attorneys' fees, expenses, and service award. The Class Notice also clearly and
12 accurately explained the process by which a Class Member could submit written objections and
13 explained that Class Members could appear at the Final Approval Hearing to raise or explain any
14 objections.

15 5. The appointed Administrator, Phoenix Class Action Settlement Administrators,
16 distributed the Class Notice pursuant to the process approved by the Court in its order granting
17 preliminary approval. The Administrator was provided Class Members' last known addresses, which
18 it updated as necessary based upon the United States Postal Service's National Change of Address
19 database, and distribution of Class Notice occurred through mail and the Administrator's website for
20 the case. No notices were deemed undeliverable. The Court finds that the method by which Class
21 Members were provided notice of the Settlement was valid, due, and sufficient.

22 **Final Approval of the Class and PAGA Settlement**

23 6. Having reviewed the Settlement Agreement and Plaintiff's submissions in support of
24 final approval, and based upon all proceedings herein, the Court finds and concludes that the
25 Settlement is fair, adequate, and reasonable in all respects and GRANTS final approval of the
26 Settlement.

27 7. Specifically, the Court finds that:

28 a. The Settlement was the result of extensive, arm's-length negotiations among the

Parties;

- b. The investigation and discovery conducted by the Parties are sufficient to allow counsel and the Court to act intelligently and sufficient to allow Class Counsel to become intimately familiar with the strengths and weaknesses of the class claims;
- c. Class Counsel is experienced in similar class and representative litigation, and strongly endorse the Settlement as an outstanding result for the Class.
- d. There are no objectors to the Settlement, indicating overwhelming support of the Class for the Settlement. Before the Settlement was reached, the same Class individuals were offered an adequate opportunity to request exclusion from the Class and only one person opted out.
- e. The Gross Settlement Amount of \$2,000,000 is fair, reasonable, and adequate, especially in light of the significant litigation risks had the case not been resolved through settlement.
- f. The Settlement Agreement provides substantial compensation for Class Members, with the average individual settlement estimated to be \$7,774.78.

8. The Court finds that the Settlement provides a fair, reasonable, and adequate settlement of \$100,000.00 for the penalties claimed under the California Private Attorneys General Act of 2004 ("PAGA") and ORDERS that three-quarters of this amount (\$75,000.00) be paid to the California Labor and Workforce Development Agency as the LWDA PAGA Payment.

9. The Court finds that the allocation, distribution and payment methods for the Net Settlement Amount provided in the Settlement is fair and reasonable. The Court also finds that the redistribution plan set forth in the Settlement – *i.e.*, a second distribution will occur so long as the total amount of the residual funds is at least \$3,300 – is fair and reasonable. Accordingly, Court ORDERS the Parties and the Settlement Administrator to consummate the Settlement and distribute the Individual Class Payment and Individual PAGA Payment amounts pursuant to the terms of the Settlement.

Attorneys' Fees and Costs, Settlement Administration Costs, Service Award, and Cy Pres

10. The Court finds that the requested attorneys' fees award of thirty-three percent (33%)

1 of the Gross Settlement Amount (*i.e.*, \$660,000.00) is fair and reasonable, considering the relevant
2 factors.

3 11. Specifically, the Court finds that:

- 4 a. The percentage method is an appropriate means of calculating attorneys' fees in
5 this case, where Plaintiff has secured a common fund;
- 6 b. Class Counsel's requested percentage fee is within the ordinary range of
7 percentages approved by courts;
- 8 c. Class Counsel obtained an outstanding result after undertaking extraordinary
9 efforts including obtaining a temporary restraining order and protective order and
10 litigating the case through class certification;
- 11 d. Class Counsel are highly skilled and experienced in wage and hour class actions,
12 and the requested fee award falls well within the norm for attorneys with Class
13 Counsel's skills and depth of experience;
- 14 e. The Court further finds that the requested fee award is reasonable based on a
15 lodestar cross-check. Class Counsel have expended over 838.5 hours representing
16 \$587,422 in lodestar fees using their customary and reasonable hourly rates. The
17 requested amount represents a 1.12 multiplier of the lodestar. The Court finds that
18 such a multiplier is well within the range of multipliers approved by courts and
19 that this modest multiplier is justified in light of the substantial class relief
20 obtained, Class Counsel's skills and deep experience, and the risks in prosecuting
21 this case on a contingency basis and thereby forgoing other opportunities.

22 12. The Court further finds that Class Counsel's litigation costs of \$17,059.30 were
23 reasonable and necessary to the prosecution of the case and approves these costs in full.

24 13. The Court also finds that the requested payment of \$10,500.00 for the settlement
25 administration costs of Phoenix Class Action Settlement Administrators is reasonable and necessary
26 to administering the Settlement. The Court therefore awards this requested payment in full.

27 14. The Court finds that \$2,000.00 for the costs of a potential redistribution of checks,
28 pursuant to the terms of the Settlement, to be reasonable and necessary in the event the remaining

1 balance meets the threshold for redistribution provided by the Settlement. The Court therefore
2 authorizes this \$2,000.00 payment to the Administrator from the remaining balance in the event of a
3 second distribution, subject to the Settlement.

4 15. Accordingly, IT IS HEREBY ORDERED that Class Counsel are awarded a total of
5 \$660,000.00 for fees and \$17,059.30 for litigation costs. It is further ORDERED that \$10,500.00
6 shall be set aside to compensate Phoenix Class Action Settlement Administrators, the appointed
7 Administrator. The Administrator will pay ninety percent (90%) of the Court-approved attorneys'
8 fees, and the entirety of the Court-approved costs to Class Counsel within the timeframes required
9 by the Settlement. The Administrator shall hold the remaining ten percent of attorneys' fees in an
10 interest-bearing account, pending the submission and approval of a final compliance status report
11 after completion of the settlement distribution process.

12 16. The Court finds that the requested service award of \$10,000.00 for Plaintiff Pham is
13 reasonable and well-justified in light of the substantial time and effort that he, the sole Class
14 Representative, has expended on behalf of the Class; the outstanding recovery achieved for the
15 Class; the significant risks that the Class Representative faced by bringing this case; the size of the
16 service award relative to the overall settlement value and the substantial average individual Class
17 Member recovery; the general release that Plaintiff is agreeing to provide Defendant, for no separate
18 consideration; and Class Members' unanimous support for the terms of the Settlement.

19 17. Accordingly, IT IS HEREBY ORDERED that Plaintiff Hung Pham will receive a
20 service award of \$10,000.00.

21 18. The Court finds that the distribution of residual monies to Centro Legal de la Raza, an
22 eligible non-profit organization, is an appropriate *cy pres* remedy under California Code of Civil
23 Procedure § 384. The Court finds the *cy pres* distribution provided for in the Settlement is fair and
24 reasonable and ORDERS distribution of any residual funds, including any balance after
25 redistribution to the Class, to Centro Legal de la Raza upon approval of an Amended Judgment..

26 **JUDGMENT**

27 **THE COURT NOW ORDERS AND ADJUDGES AS FOLLOWS:**

28 19. IT IS HEREBY ORDERED that the Effective Date of the Settlement will be the date

1 of this Order of Final Approval and Judgment.

2 20. IT IS HEREBY ORDERED that upon the Effective Date of this Settlement, the
3 Plaintiff, Class Members, and Aggrieved Employees shall be deemed to have released claims as set
4 forth in the Settlement Agreement.

5 21. IT IS HEREBY ORDERED that final judgment be entered on the class action claims
6 and PAGA claims asserted in the First Amended Complaint in accordance with the terms of the
7 Settlement and this Order. By virtue of this Order, all Class Members, including Plaintiff, are
8 permanently barred from prosecuting any of the released claims against any of the Released Parties.

9 22. Pursuant to California Rule of Court 3.769(h), the Court shall retain jurisdiction over
10 the interpretation and implementation of the Settlement Agreement as well as any and all matters
11 arising out of, or related to, the interpretation, implementation, or enforcement of the Settlement
12 Agreement and this Order.

13 23. IT IS HEREBY ORDERED that in compliance with California Rule of Court 3.771(b),
14 a copy of this Order shall be posted on a public webpage concerning this lawsuit on Class Counsel's
15 website.

16 24. This Order of Final Approval and Judgment is final for purpose of appeal and the Clerk
17 is hereby directed to enter judgment thereon.

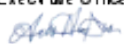
18 25. A final compliance hearing is set for September 25, 2024 at 2:30 p.m in Department
19 23, at which the Court will consider evidence that the distribution process is complete and that a final
20 accounting may be approved. Class Counsel and the Administrator shall file a final compliance status
21 report and a proposed Amended Judgment no later than five (5) court days before the compliance
22 hearing.

23 **IT IS SO ORDERED**

24
25 Dated: December 20, 2023



Hon. Brad Seligman
Judge of the Superior Court

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612	FILED Superior Court of California County of Alameda 12/22/2023
PLAINTIFF/PETITIONER: Hung Pham	Chad Finke, Executive Officer / Clerk of the Court By:  Deputy
DEFENDANT/RESPONDENT: Wood Tech, Inc. et al	A. Hewitt
CERTIFICATE OF ELECTRONIC SERVICE CODE OF CIVIL PROCEDURE 1010.6	CASE NUMBER: 22CV011080

I, the below named Executive Officer/Clerk of Court of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served one copy of the Order of Final Approval and Judgment entered herein upon each party or counsel of record in the above entitled action, by electronically serving the document(s) from my place of business, in accordance with standard court practices.

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Dated: 12/22/2023

Chad Finke, Executive Officer / Clerk of the Court

By:



A. Hewitt, Deputy Clerk