

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

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Clerk of the Superior Court
By M. Guyot ,Deputy Clerk

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

DONALD STEWART RUPERT,
individually and on behalf of all others
similarly situated,

Plaintiff,

vs.

COMTEC INFORMATION
SYSTEMS; COMTEC
CONSULTANTS, INC.; and DOES 1
through 20, inclusive,

Defendants.

Case No. 37-2022-00019403-CU-OE-CTL

Assigned for all purposes to
Hon. Katherine Bacal
Dept. C-63

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

Date: March 7, 2025
Time: 11:00 a.m.
Dept: C63

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

1 This matter came on for hearing on March 7, 2025, at 11:00 a.m., in Department C63 of
2 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 filed June 12, 2024 and the Class Action and PAGA Settlement Agreement and Class
5 Notice ("Settlement Agreement"), a copy of which was filed in conjunction with the Plaintiff's
6 Motion for Preliminary Approval of Class Action Settlement.

7 Having received and considered the Settlement Agreement, the supporting papers filed by
8 the Parties, and the evidence and argument received by the Court in conjunction with the
9 unopposed Motion for Preliminary Approval of Class Action Settlement heard May 31, 2024 and
10 the instant Motion for Final Approval, the Court grants final approval of the Settlement and
11 HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

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

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

26 3. With respect to the Settlement Class and for purposes of approving this Settlement
27 only, this Court finds and concludes that: (a) the members of the Settlement Class are
28 ascertainable and so numerous that joinder of all members is impracticable; (b) there are questions

1 of law or fact common to the Settlement Class, and there is a well-defined community of interest
2 among members of the Settlement Class with respect to the subject matter of the Action; (c) the
3 claims of Class Representative Donald Stewart Rupert are typical of the claims of the members
4 of the Settlement Class; (d) the Class Representative has fairly and adequately protected the
5 interests of the members of the Settlement Class; (e) a class action is superior to other
6 available methods for an efficient adjudication of this controversy; and (f) the counsel of
7 record for the Class Representative, i.e., Class Counsel, are qualified to serve as counsel for
8 Plaintiff in their individual and representative capacities for the Class.

9 4. The Court has certified the Class, as that term is defined in and by the terms of
10 the Settlement Agreement as all current and former non-exempt employees employed
11 by ComTec Information Systems and ComTec Consultants, Inc. in California at any time during
12 the Class Period of November 26, 2017 through January 29, 2024, and the Court deems
13 this definition sufficient for purposes of California Rule of Court 3.765(a).

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

15 6. The Court hereby confirms Plaintiff Donald Stewart Rupert as the Class
16 Representative in this Action.

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

27 8. The Court further finds and determines that the terms of the Settlement are fair,
28 reasonable and adequate to the Settlement Class and to each Settlement Class Member and that

1 the Settlement is ordered finally approved, and that all terms and provisions of the Settlement
2 should be and hereby are ordered to be consummated.

3 9. The Court hereby approves the Gross Settlement Amount of \$175,000.00.

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

9 11. The Court finds and determines that payment to the California Labor and
10 Workforce Development Agency of \$7,500 as its share of the settlement of civil penalties in this
11 case is fair, reasonable, and appropriate. The Court hereby gives final approval to and orders that
12 the payment of that amount be paid in accordance with the Settlement Agreement.

13 12. The Court finds and determines that the fees and expenses in administrating the
14 Settlement incurred by Phoenix Settlement Administrators in the amount of \$5,950.00, are fair
15 and reasonable. The Court hereby gives final approval to and orders that the payment of that
16 amount in accordance with the Settlement.

17 13. The Court finds and determines the Class Representative Enhancement Award
18 of up to \$5,000 for Plaintiff is fair and reasonable. The Court hereby orders the Administrator
19 to make this payment to the Plaintiff/Class Representative in accordance with the terms of the
20 Settlement Agreement.

21 14. Pursuant to the terms of the Settlement, and the authorities, evidence and
22 argument submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees
23 in the sum of \$58,333.33 and litigation costs of \$14,433.08. The Court finds such amounts to be
24 fair and reasonable. The Court hereby orders the Settlement Administrator to make these
25 payments in accordance with the terms of the Settlement Agreement.

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

16. The Court hereby enters final judgment in accordance with the terms of the Settlement Agreement, the Order Granting Preliminary Approval of Class Action Settlement filed on June 12, 2024 and this Order.

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

DATED: 5/11, 2025

Honorable Katherine Bacal
JUDGE OF THE SUPERIOR COURT

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, am employed in the County of Orange, State of California. I am over
3 the age of 18 and not a party to the within action; am employed with Aegis Law Firm PC and
4 my business address is 9811 Irvine Center Drive, Suite 100, Irvine, California 92618.

5 On March 7, 2025, I served the foregoing document entitled:

- 6 • **[PROPOSED] ORDER GRANTING FINAL APPROVAL OF CLASS ACTION**
7 **SETTLEMENT AND ENTERING JUDGMENT**

8 on all the appearing and/or interested parties in this action by delivering ☐ the original ☒ a
9 true copy thereof on the party(ies) addressed below as follows:

10 Michele Goldsmith
11 George F. Romain
12 **BDG LAW GROUP**
13 10880 Wilshire Blvd. Suite 1015
14 Los Angeles, California 90024
15 Telephone: 310.470.6110
16 Facsimile: 310.474.0931
17 mgoldsmith@bdgfir.com
18 kcoleman@bdgfir.com
19 rbrown@bdgfir.com
20 ksomerfield@bdgfir.com

21 *Attorneys for Defendants:*

22 COMTEC INFORMATION SYSTEMS and COMTEC CONSULTANTS, INC.

23 ☐ **(BY MAIL)** I am readily familiar with the firm's practice of collection and processing
24 correspondence for mailing. Under that practice it would be deposited with the U.S.
25 Postal Service on that same day with postage thereon fully prepaid at Irvine, California
26 in the ordinary course of business. I am aware that on motion of the party served, service
27 is presumed invalid if postage cancellation date or postage meter date is more than one
28 day after date of deposit for mailing this affidavit. (*Cal Code Civ. Proc.* § 1013(a); *Fed.*
R. Civ. Proc. 5(a); *Fed. R. Civ. Proc.* 5(c).)

☐ **(BY OVERNIGHT MAIL)** I am personally and readily familiar with the business
practice of Aegis Law Firm PC for collection and processing correspondence for
overnight delivery, and I caused such document(s) described herein to be deposited for
delivery to a facility regularly maintained Federal Express for overnight delivery. (*Cal*
Code Civ. Proc. § 1013(c); *Fed. R. Civ. Proc.* 5(c).)

☒ **(BY ELECTRONIC TRANSMISSION)** I caused said document(s) to be served via
electronic transmission via the above listed email addresses on the date below. (*Cal.*
Code Civ. Proc. § 1010.6(6); *Fed. R. Civ. Proc.* 5(b)(2)(E); *Fed. R. Civ. Proc.* 5(b)(3).)

☐ **(BY PERSONAL SERVICE)** I delivered the foregoing document by hand delivery to
the addressed named above. (*Cal Code Civ. Proc.* § 1011; *Fed. R. Civ. Proc.*
5(b)(2)(A).)

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

3 Executed on March 7, 2025, at Irvine, California.
4

5 
6 _____
7 Joanne Roberts
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