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and Proposed Class Counsel

**FILED**  
San Francisco County Superior Court

FEB 05 2024

CLERK OF THE COURT  
BY: [Signature] Deputy Clerk

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

DANIEL HUNTER, on behalf of himself  
and all "aggrieved employees" pursuant to  
Labor Code § 2698 *et seq.*,

Plaintiff,

v.

UTILITY TRAFFIC CONTROL  
SERVICES, INC., a California  
corporation, and DOES 1 through 10,  
inclusive,

Defendants.

CASE NO: CGC-22-601352

*Assigned to the Hon. Anne-Christine Massullo,  
Dept. 610*

CLASS ACTION

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

**DATE: February 5, 2024**

**TIME: 9:30 a.m.**

**DEPT.: 302**

*Action Filed: August 19, 2022*

1 Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came  
2 before this Court on February 5, 2024. The above-captioned Action is a class action lawsuit brought  
3 by Plaintiff Daniel Hunter ("Plaintiff") against Defendant Utility Traffic Control Services, Inc.  
4 ("Defendant") (collectively, the "Parties"). Plaintiff alleges, on behalf of two classes of  
5 Defendant's current and former employees, that Defendant failed to pay all minimum wages due,  
6 failed to reimburse business-related expenses, failed to pay wages due timely upon separation of  
7 employment, and failed to comply with itemized wage statement provisions. Defendant denies any  
8 and all alleged wrongdoing, and denies any liability to the Plaintiff or to members of the Classes.  
9 Defendant contends that that it has complied at all times with California law, including the  
10 California Labor Code, the Industrial Commission Wage Orders, and the California Business and  
11 Professions Code.

12 On September 28, 2023, this Court entered an Order Granting Preliminary Approval of  
13 Settlement, resulting in certification of two Settlement Classes: the "Exempt Settlement Class,"  
14 defined as "all exempt-classified employees who worked for Defendant in California during the  
15 Settlement Class Period," and the "Non-Exempt Settlement Class," defined as "all non-exempt  
16 employees who worked for Defendant in California during the Settlement Class Period."

17 That Order further directed the Parties to provide Notice to the Classes, which informed  
18 absent class members of: (a) the proposed Settlement, and the Settlement's key terms; (b) the date,  
19 time and location of the Final Approval Hearing; (c) the right of any Class Member to object to the  
20 proposed Settlement, and an explanation of the procedures to exercise that right; (d) the right of  
21 any Class Member to exclude themselves from the proposed Settlement, and an explanation of the  
22 procedures to exercise that right; and (e) an explanation of the procedures for class members to  
23 participate in the proposed settlement.

24 The Court, upon Notice having been given as required in the Preliminary Approval Order,  
25 and having considered the Settlement Agreement and Release of Claims, as well as all papers filed,  
26 hereby ORDERS, ADJUDGES AND DECREES AS FOLLOWS:  
27  
28

1           1.     This Court has jurisdiction over the subject matter of the Action and over all Parties  
2 to the Action, including all members of the Settlement Classes.

3           2.     The Court finds that the Settlement Classes are properly certified for settlement  
4 purposes only.

5           3.     The Notice provided to the Settlement Classes conforms with the requirements of  
6 California Code of Civil Procedure section 382, California Civil Code section 1781, California  
7 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other  
8 applicable law, and constitutes the best notice practicable under the circumstances, by providing  
9 individual notice to all Class Members who could be identified through reasonable effort, and by  
10 providing due and adequate notice of the proceedings and of the matters set forth therein to the  
11 Class Members. The notice fully satisfied the requirements of due process.

12           4.     The Court finds the settlement was entered into in good faith, that the settlement is  
13 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable  
14 requirements for final approval of this class action settlement under California law, including the  
15 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule  
16 3.769.

17           5.     The Court approves the Gross Settlement Amount of \$600,000.

18           6.     Zero (0) Class Members have objected to the terms of the Settlement.

19           7.     Zero (0) Class Member has requested exclusion from the Settlement.

20           8.     Upon entry of this Order, compensation to the participating members of the  
21 Settlement Classes and all PAGA Group Members shall be affected pursuant to the terms of the  
22 Settlement Agreement.

23           9.     In addition to any recovery that Plaintiff may receive from the Net Settlement  
24 Amount, and in recognition of the Plaintiff's efforts on behalf of the Settlement Classes, the Court  
25 hereby approves the payment of an Enhancement Payment to Plaintiff Daniel Hunter in the amount  
26 of Seven Thousand Five Hundred Dollars (\$7,500). This shall be paid from the Gross Settlement  
27 Amount.  
28

10. The Court approves the payment of attorneys' fees to Class Counsel, Gaines & Gaines, APLC, in the sum of Two Hundred Thousand Dollars (\$200,000), and the reimbursement of litigation expenses in the sum of Six Thousand Four Hundred Ninety-Nine Dollars and Seventy-Five Cents (\$6,499.75). This shall be paid from the Gross Settlement Amount.

11. The Court approves and orders payment in the amount of Six Thousand Nine Hundred Fifty Dollars (\$6,950) to Phoenix Settlement Administrators for performance of its settlement administration services. This shall be paid from the Gross Settlement Amount.

12. The Court approves and orders payment in the amount of Forty-Five Thousand Dollars (\$45,000) to the California Labor and Workforce Development Agency for its 75% share of PAGA penalties. This shall be paid from the Gross Settlement Amount.

13. Upon the entry of this Order and Judgment, and subject to the occurrence of the Effective Date, Plaintiff, all participating Class Members, and all PAGA Group Members shall be bound by the releases of claims as set forth in the Settlement Agreement.

14. This "Judgment" is intended to be a final disposition of the above captioned action in its entirety, and is intended to be immediately appealable.

15. This Court shall retain jurisdiction with respect to all matters related to the administration and consummation of the settlement, and any and all claims, asserted in, arising out of, or related to the subject matter of the lawsuit, including but not limited to all matters related to the settlement and the determination of all controversies relating thereto. *Compliance hearing: Oct. 14, 2024*

**IT IS SO ORDERED.**

Dated: 2/5/

JUDGE OF THE SUPERIOR COURT  
RICHARD B. ULMER