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*Attorneys for Plaintiff Kevin Dougan*

ELECTRONICALLY FILED  
Superior Court of California,  
County of San Diego

7/19/2024 4:47:53 PM

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

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

KEVIN DOUGAN *et al.*

Plaintiff,

vs.

CENTERPLATE, INC. *et al.*

Defendants.

Case No. 37-2022-00040792-CU-OE-CTL

*Hon. Carolyn Caietti*  
*Dept. 70*

**CLASS ACTION**

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

Action Filed: August 2, 2022

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

3 1. On June 28, 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.

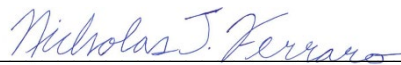
7 3. A conformed copy of this Notice will be submitted to the LWDA via its online  
8 electronic portal in accordance with Labor Code § 2699(1)(3).

9 4. Notice of the Court's final ruling and entry of judgment is hereby provided.

10  
11 Respectfully submitted,

12  
13 Dated: July 19, 2024

***Ferraro Vega Employment Lawyers, Inc.***

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15 Nicholas J. Ferraro

16 Attorneys for Plaintiff Kevin Dougan  
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# EXHIBIT 1

**ELECTRONICALLY RECEIVED**

Superior Court of California,  
County of San Diego

**06/03/2024** at 01:17:58 PM

Clerk of the Superior Court  
By: Carla Boston, Deputy Clerk

**FILED**  
San Diego Superior Court

**JUL 16 2024**

Clerk of the Superior Court  
By: A. Shirley, Deputy

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

KEVIN DOUGAN, *et al.*

Plaintiff,

vs.

CENTERPLATE, INC., *et al.*

Defendants.

Case No. 37-2022-00040792-CU-OE-CTL

*Hon. Carolyn Caietti*  
*Dept. 70*

**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: June 28, 2024

Time: 10:30 a.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, and  
Declaration of Kevin Dougan]

Action Filed: October 11, 2022

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

1 This matter came on for hearing on June 28, 2024 at 10:30 a.m. in Department 70 of the above-  
2 captioned Court, the Honorable Carolyn Caietti presiding, on (1) Plaintiff's Motion for Final Approval  
3 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  
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. <sup>One</sup> ~~Zero~~ class members <sup>(which was late)</sup> 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. Eleven class members requested exclusion  
18 from the Settlement. The Employee ID numbers for the Class Members who requested exclusion are  
19 as follows: 135331, 335594, 347218, 342994, 341281, 62030, 351826, 336995, 347276, 335226, and  
20 322868. These "opt outs" are affirmatively excluded from the class settlement.

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

25 4. For purposes of approving this Settlement only, this Court finds and concludes: (a) the  
26 proposed class is ascertainable and so numerous that joinder of all members of the class is  
27 impracticable; (b) there are questions of law or fact common to the proposed class, and there is a well-  
28 defined community of interest among members of the class with respect to the subject matter of the

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

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

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

19 7. The Court finds and determines the fees and expenses in administering the Settlement  
20 incurred by the Settlement Administrator of \$22,000 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 Dougan 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 \$15,000, 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  
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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  
4 attorneys' fees under the California Labor Code and Code of Civil Procedure, as set forth in the Motion  
5 for Attorneys' Fees, the Court awards Class Counsel attorneys' fees of \$347,277.42 and litigation costs  
6 of \$18,529.03. Class Counsel has sufficiently explained the basis for the fee award based on a  
7 percentage of the fund. The Court finds such amounts to be fair and reasonable. The Court orders the  
8 Settlement 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  
10 Court retains jurisdiction of all matters relating to the interpretation, administration, implementation,  
11 and 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 15. The Court sets a Status Conference to confirm  
20 completion of the settlement process for 12/6/24 @ 10:15am  
21 IT IS SO ORDERED.

22 Date: JUL 16 2024

23 *Carolyn M. Caietti*

24 The Honorable Carolyn Caietti  
25 Judge of the Superior Court

## EXHIBIT 2

**SUPERIOR COURT OF CALIFORNIA,**

COUNTY OF SAN DIEGO

HALL OF JUSTICE

TENTATIVE RULINGS - June 27, 2024

EVENT DATE: 06/28/2024

EVENT TIME: 10:30:00 AM

DEPT.: C-70

JUDICIAL OFFICER: Carolyn Caietti

CASE NO.: 37-2022-00040792-CU-OE-CTL

CASE TITLE: DOUGAN VS CENTERPLATE INC [IMAGED]

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Other employment

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED: Motion for Approval of Class Settlement, 06/03/2024

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Plaintiff Kevin Dougan's unopposed Motion for Final Approval of Class Action Settlement is **GRANTED**.

Plaintiff Kevin Dougan's unopposed Motion for Attorney Fees and Costs is **GRANTED**.

These motions seek final approval of the parties proposed \$1,041,936.46 class action settlement on behalf of: "all individuals currently or formerly employed by Centerplate in California as hourly, non-exempt employees during the Class Period [of August 2, 2018 through October 26, 2023] excluding those who previously released all of their respective Released Claims in their entirety against Released Parties, including by way of the prior class action settlement in the action entitled *Rodrigo Raquedan v. Centerplate of Delaware, Inc.*, U.S. District Court, Northern District of California, Case No. 17-cv-03828-LHK"..." (ROA 35 – Order After Hearing, at p. 1:11-17; ROA 38 – Declaration of Nicholas Ferraro, at Ex. 1, Settlement Agreement § 1.3)

The Court granted preliminary approval of the settlement. (ROA 35 – Order After Hearing; ROA 33 – Minute Order dated Feb. 9, 2024.) These motions are unopposed by both Defendants and Class Members.

The settlement class is certified for purposes of settlement. The class action settlement is fair, adequate, and reasonable, including the Gross Settlement Amount. The Gross Settlement Amount increased based on the settlement's escalator clause. Of the 2,901 notices distributed after the Court's order approving the notice process: only four notices were undeliverable; there was one (late) objection; zero disputes and eleven requests for exclusion. This motion is unopposed.

Class Counsel is awarded the requested \$347,277.47, in attorney fees, which also increased in light of the triggering of the escalator clause, and \$18,529.03 in litigation costs. The fee request is high when compared to the lodestar and its 2.879 multiplier and the services for the hours worked are not provided. But the fee request is a (reduced) 33.33% contingency fee; the hourly rates are reasonable and substantiated; and the hours worked exclude administrative time. (Ferraro Decl., at ¶¶ 8-10; see also, *Laffitte v. Robert Half Intern. Inc.* (2016) 1 Cal.5th 480, 503 (a percentage method may be used to calculate a reasonable fee in a common fund case such as this).) The fee request is also unopposed.

The costs sought are also reasonable, less than what was preliminarily requested and unopposed.

Plaintiff's service award of \$10,000 is reasonable and substantiated. (ROA 40 - Declaration of Kevin Dougan, at ¶ 11; Ferraro Decl., at ¶ 16.)

The settlement administration costs in the amount of \$22,000 for services provided by Phoenix Settlement Administrators are substantiated, reasonable and approved. (ROA 39 - Declaration of Taylor Mitzner, at ¶ 17.)

The Court assessed *Amaro v. Anaheim Arena Management, LLC* (2021) 69 Cal.App.5th 521, 538 and found the released claims appear to be appropriately tethered to the First Amended Complaint's factual allegations and do not extend beyond the scope of its allegations. (*Amaro*, supra.)

The PAGA portion of the settlement also appears fair, reasonable and adequate in terms of PAGA's purposes to remediate present labor law violations, deter future ones and to maximize enforcement of state labor laws. (*Muniz v. Adecco USA, Inc.* (2021) 72 Cal.App.5th 56, 77.) Plaintiff provided the LWDA with notice of this case and the proposed settlement. (ROA 38 – Ferraro Decl., at ¶ 5.) The proposed distributions are also consistent with Labor Code section 2699's mandate.

As a whole, the Court finds the settlement to be fair, adequate and reasonable. (See, e.g., *Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1794, 1800-01; Cal. Rules of Ct. rule 3.769(g).) The reasonableness of the settlement is further demonstrated by the fact that there is no opposition to these objections, only one late objection regarding mostly employment-related grievances and eleven requests to be excluded out of a class of 2,890 members.

For these reasons, the motions are **GRANTED**.

#### Concluding Orders

The Court sets a status conference on December 6, 2024, at 10:15 a.m. in Department 70 to confirm the completion of the settlement process.

With regard to the proposed order on both motions, the Court will: (i) modify paragraph 2 to reflect the late objection included in the Supplemental Declaration of Nicholas Ferraro (ROA 46); (ii) modify the proposed order to reflect the status conference; and (ii) sign the proposed order. (ROA 43.)

That order will be the Court's final order on the two motions.