

COPY

Larry W. Lee (State Bar No. 228175)
Kristen M. Agnew (State Bar No. 247656)
Nick Rosenthal (State Bar No. 268297)
DIVERSITY LAW GROUP, A Professional Corporation
515 South Figueroa Street, Suite 1250
Los Angeles, California 90071
Telephone: (213) 488-6555
Facsimile: (213) 488-6554

William L. Marder (State Bar No. 170131)
Polaris Law Group LLP
501 San Benito Street, Suite 200
Hollister, CA 95023
Telephone: (831) 531-4214
Facsimile: (831) 634-0333

Attorneys for Plaintiff and the Class

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

APR 10 2018

Sheri R. Carter, Executive Officer/Clerk
By: Roxanne Arraiga, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST

MAYRA RAMIREZ, as an individual and
on behalf of all similarly situated,

Plaintiffs,

vs.

SHERWOOD MANAGEMENT CO. INC.,
a California corporation; and DOES 1
through 50, inclusive,

Defendants.

Case No.: BC609901

(Assigned to the Honorable Kenneth R. Freeman,
Department 310)

**~~PROPOSED~~ ORDER GRANTING MOTION
FOR FINAL APPROVAL OF CLASS ACTION
SETTLEMENT AND JUDGEMENT**

Date: April 10, 2018
Time: 2:00 P.M.
Dept.: 310

RECEIVED
Central Civil West
MAR 19 2018
By: C. Vargas

1 Plaintiff and Class Representative Mayra Ramirez ("Plaintiff" or "Class Representative"),
2 and the settling Defendant Sherwood Management Co. Inc. (together the "Settling Parties") have
3 entered into the Amended Joint Stipulation of Class Action Settlement (hereafter "Stipulation" or
4 "Settlement Agreement") to settle the above-captioned class action subject to the Court's
5 approval (the "Settlement").

6 This matter is now before the Court on Plaintiff's Motion for Final Approval of the Class
7 Action Settlement, including approval of an Enhancement Award for the Class Representative
8 and Class Counsel's Application for a Fee and Expense Award. The Court has read, heard, and
9 considered all the pleadings and documents submitted, and the presentations made in connection
10 with the Motion which came on for hearing on April 10, 2018.

11 **I. BACKGROUND**

12 **A. Class Members**

13 The "Class" or "Class Members" are defined as "all current and former non-exempt
14 California employees who were employed by Defendant Sherwood Management Co. Inc. at
15 any time between February 10, 2012, through December 1, 2016."

16 **B. Operation of the Settlement.**

17 Pursuant to the Preliminary Approval Order dated November 8, 2017, this Court
18 conditionally certified the Class and granted preliminary approval to the Settlement. The
19 Preliminary Approval Order also approved of the proposed form of class notice. The Court
20 entered the Preliminary Approval Order after review and consideration of all of the pleadings
21 filed in connection herewith, and the oral presentations made by counsel at the hearing.

22 In compliance with the Preliminary Approval Order, the Class Notice was sent to all
23 Class Members via first class mail. Furthermore, follow-up mailings were performed for
24 returned mail. The notice process was timely completed.

25 This Court finds that the Settlement appears to be the product of serious, informed, non-
26 collusive negotiations, has no obvious deficiencies, and does not improperly grant preferential
27 treatment to any individuals. The Court finds that the Settlement was entered into in good faith
28 pursuant to California *Code of Civil Procedure* section 877.6. The Court further finds that the

1 Settlement is fair, reasonable and adequate and that Plaintiff has satisfied the standards for final
2 approval of a class action settlement under California law. Under the provisions of California
3 *Code of Civil Procedure* section 382 and Federal Rule of Civil Procedure 23, as approved for use
4 by the California state court in *Vasquez v. Superior Court*, 4 Cal.3d 800, 821 (1971), the trial
5 court has discretion to certify a class where:

6 [Q]uestions of law or fact common to the members of the class
7 predominate over any questions affecting only individual
8 members, and that a class action is superior to the available
9 methods for the fair and efficient adjudication of the controversy
... Fed. R. Civ. Proc. 23.

10 Certification of a settlement class is the appropriate judicial device under these circumstances.

11 Based on the foregoing, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS
12 FOLLOWS:

13 1. The Court, for purposes of this Order, adopts all defined terms as set forth in the
14 Settlement Agreement filed in this case.

15 2. The Court has jurisdiction over the subject matter of the Litigation, the Class
16 Representatives, the Class, and Defendant.

17 3. The Court finds that the dissemination of the Class Notice as disseminated to the
18 Class Members, constituted the best notice practicable under the circumstances to all persons
19 within the definition of the Class, and fully met the requirements of California law and due
20 process under the United States Constitution.

21 4. The Court approves the settlement of the above-captioned action, as set forth in
22 the Settlement Agreement, as fair, just, reasonable, and adequate as to the Settling Parties. The
23 Settling Parties are directed to perform in accordance with the terms set forth in the Settlement
24 Agreement.

25 5. With respect to the Class and for purposes of approving the Settlement only and
26 for no other purpose, this Court finds and concludes that: (a) the members of the Class are
27 ascertainable and so numerous that joinder of all members is impracticable; (b) there are
28 questions of law or fact common to the Class, and there is a well-defined community of interest

1 among Class Members with respect to the subject matter of the claims in the litigation; (c) the
2 claims of the Class Representative is typical of the claims of the members of the Class; (d) the
3 Class Representative has fairly and adequately protected the interests of the members of the
4 Class; (e) a class action is superior to other available methods for an efficient adjudication of this
5 controversy; and (f) the counsel of record for the Class Representative, i.e., Class Counsel, are
6 qualified to serve as counsel for the Plaintiff in their individual and representative capacities and
7 for the Class.

8 6. The Court approves the individual payment amounts to Class Members, which
9 shall be distributed pursuant to the terms of the Settlement Agreement.

10 7. Defendant shall pay (a) to Class Counsel attorneys' fees in the amount of
11 \$305,000.00 and reimbursement of costs in the amount of \$14,189.89; (b) enhancement award to
12 the Class Representative in the amount ~~\$12,500~~ ^{\$5,000}; (c) the sum of \$3,750.00 to be paid to the
13 LWDA for PAGA Penalties (which represents the LWDA's 75% share of the PAGA Penalties
14 paid); and (d) \$11,000.00 as class administration fees will be paid to Phoenix Settlement
15 Administrators. The Court finds that these amounts are fair and reasonable.

16 8. The Court hereby enters final judgment in this case in accordance with the terms
17 of the Settlement, Preliminary Approval Order, and this Order. Without affecting the finality of
18 the Settlement or Judgment entered, this Court shall retain exclusive and continuing jurisdiction
19 over the action and the Parties, including all Class Members, for purposes of enforcing and
20 interpreting this Order and the Settlement.

21 IT IS SO ORDERED.

22 DATED: **APR 10 2018**

KENNETH R. FREEMAN

Honorable Kenneth R. Freeman
Judge of the Superior Court

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

STATE OF CALIFORNIA]
COUNTY OF LOS ANGELES]ss.
]

On March 19, 2018, I served the following document(s) described as: **[PROPOSED] ORDER GRANTING MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND JUDGEMENT** on the interested parties in this action as follows:

 X BY ELECTRONIC SERVICE VIA CASE ANYWHERE: Based on a court order I caused the above-entitled document(s) to be served through Case Anywhere at the website www.caseanywhere.com, addressed to all parties appearing on the electronic service list for the above-entitled case. The service transmission was reported as complete and a copy of the Case Anywhere Filing Receipt/Confirmation will be filed, deposited, or maintained with the original document(s) in this office.

Olympia Peña