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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

12 **FOR THE COUNTY OF ORANGE**

13 JOSE OCHOA, individually, and on behalf
14 of all other similarly situated current and
former employees of GREENSTONE
15 MATERIALS, INC.,

16 Plaintiff,

17 vs.

18 GREENSTONE MATERIALS, INC., a
California Corporation; and DOES 1 through
19 100 inclusive,

20 Defendants

21 BRANDON K. LACAS, in his individual and
representative capacity,

22 Plaintiff,

23 v.

24 GREENSTONE MATERIALS, INC., A
California Corporation; and DOES 1-10,

25 Defendants

LEAD CASE NO.: 30-2016-00875367-CU-
OE-CXC;
Consolidated with 30-2017-00911572

[Assigned for all purposes to the Hon. Peter
Wilson, Dept: CX102]

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

Date: April 23, 2020

Time: 2:00 PM

Dept: CX102

1 This matter came for hearing upon Plaintiffs unopposed Motion for Final Approval of the
2 settlement set forth in the Joint Stipulation of Class Action Settlement and Release (the
3 “Stipulation”). Due and adequate notice having been given to the Class, and the Court having
4 considered the Stipulation, all papers filed and proceedings had herein and all oral and written
5 comments received regarding the proposed settlement, and having reviewed the record in this
6 Litigation, and good cause appearing,

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

8 The Court, for purposes of this Order, adopts all defined terms as set forth in the
9 Stipulation filed in this case.

10 The Court has jurisdiction over the subject matter of the Litigation, the Class
11 Representatives, the other Members of the Settlement Class and Defendant.

12 The Court finds that the dissemination of the Notice of Proposed Class Action Settlement
13 as provided for in the Order Granting Preliminary Approval, constituted the best notice practicable
14 under the circumstances to all Persons within the definition of the Class, and fully met the
15 requirements of California law and due process under the United States Constitution. Based on
16 evidence and other material submitted in conjunction with the Settlement Hearing, the actual
17 notice to the class was adequate.

18 The Court finds in favor of settlement approval.

19 The Court approves the settlement of the above-captioned action, as set forth in the
20 Stipulation, each of the releases and other terms, as fair, just, reasonable and adequate as to the
21 Settling Parties. The Settling Parties are directed to perform in accordance with the terms set forth
22 in the Stipulation.

23 Except as to any individual claim of those Class Members who have validly and timely
24 requested exclusion from settlement, as set forth in the Stipulation, all of the Released Claims are
25 hereby released upon the Effective Date.

26 Except as otherwise provided in the Stipulation, the Settling Parties are to bear their own
27 costs and attorneys’ fees.

1 Solely for purposes of effectuating this settlement, this Court has certified a class of all
2 Members of the Settlement Class, as those terms are defined in and by the terms of the
3 Stipulation, and the Court deems this definition sufficient for purposes of California Rules of
4 Court 3.765(a) and 3.771.

5 With respect to the Settlement Class and for purposes of approving the settlement only and
6 for no other purpose, this Court finds and concludes that: (a) the Members of the Settlement Class
7 are ascertainable and so numerous that joinder of all members is impracticable; (b) there are
8 questions of law or fact common to the Settlement Class, and there is a well-defined community
9 of interest among Members of the Settlement Class with respect to the subject matter of the non-
10 exempt claims in the Litigation; (c) the claims of Class Representatives are typical of the claims of
11 the Members of the Settlement Class; (d) the Class Representatives have fairly and adequately
12 protected the interests of the Members of the Settlement Class; (e) a class action is superior to
13 other available methods for an efficient adjudication of this controversy; and (f) the counsel of
14 record for the Class Representatives Jose Ochoa and Brandon K. Lacas, i.e., Class Counsel, is
15 qualified to serve as counsel for the Plaintiffs in their individual and representative capacities and
16 for the Settlement Class.

17 The Court approves the Individual Settlement amounts, which shall be distributed to
18 Participating Claimants in accordance with the timetable and formula set forth in the Stipulation.

19 Defendant shall pay (a) to Class Counsel attorneys' fees and actual costs in the amount of
20 \$29,234.00 plus reimbursement of reasonable and actual costs to Class Counsel in the amount of
21 \$9,000.00; (b) service award to the Class Representatives Jose Ochoa and Brandon K. Lacas, to
22 reimburse them for their unique services in the following amount: \$3,000.00 each; (c) the sum of
23 \$2,250.00 to be paid to the California Labor and Workforce Development Agency for PAGA
24 Penalties (which represents the LWDA's 75% share of the \$3,000.00 in PAGA Penalties paid);
25 and (d) \$5,500.00 to the Settlement Administrator, Phoenix Settlement Administrators, for its fees
26 and costs relating to the claims administration process. The Court finds that these amounts are
27 fair and reasonable. Defendant is directed to make such payments in accordance with the terms of
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1 the Stipulation. Additionally, Defendant is required to pay the employer's share of payroll taxes
2 (e.g. UI, ETT, Social Security and Medicare taxes), which shall be paid not later than the time
3 specified by law or agency regulations.

4 The Court reserves exclusive and continuing jurisdiction over the Litigation, the Class
5 Representatives, the Settlement Class and Defendant for the purposes of supervising the
6 implementation, enforcement, construction, administration and interpretation of the Stipulation
7 and this Judgment.

8
9 IT IS SO ORDERED.

10 Dated: _____

11 Hon. Ronald F. Frazier
12 JUDGE OF THE SUPERIOR COURT
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