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Jr., Curtis Lupton, Gilberto Dedios, Alejandro Garcia, Justin
Robinson, Jose Garcia Martinez, Eric Valadez, David
Bergeron, and Jorge Gonzalez and Proposed Class Counsel

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BENITO

LEO HERNANDEZ SR., LEO
HERNANDEZ JR., CURTIS LUPTON,
GILBERTO DEDIOS, ALEJANDRO
GARCIA, JUSTIN ROBINSON, JOSE
GARCIA MARTINEZ, ERIC VALADEZ,
DAVID BERGERON, JORGE
GONZALEZ, individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

WGS GROUP, INC., a Nevada
corporation, and DOES 1 through 10,
inclusive,

Defendants.

Case No. CU-22-00225

*Assigned to the Honorable Patrick K. Palacios,
Dept. 3*

CLASS ACTION

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

DATE: August 7, 2024
TIME: 10:30 a.m.
DEPT.: 1

Action Filed: June 14, 2022

1 **AEGIS LAW FIRM, PC**

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13 and on behalf of all others similarly situated

1 Plaintiffs' Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on August 7, 2024. The above-captioned Action is a class action lawsuit brought
3 by Plaintiffs Leo Hernandez Sr., Leo Hernandez Jr., Curtis Lupton, Gilberto Dedios, Alejandro
4 Garcia, Justin Robinson, Jose Garcia Martinez, Eric Valadez, David Bergeron, Jorge Gonzalez, and
5 Julian Okiwelu ("Plaintiffs") against Defendant WGS Group, Inc. ("Defendant") (collectively, the
6 "Parties"). Plaintiffs allege, on behalf of a class of Defendant's current and former employees, that
7 Defendant failed to pay all wages due, failed to provide meal and rest periods or compensation in
8 lieu thereof, failed to reimburse all business-related expenses, failed to issue accurate wage
9 statements, and failed to timely pay wages upon termination of employment. Defendant denies any
10 and all alleged wrongdoing, and denies any liability to the Plaintiffs or to members of the Class.
11 Defendant contends that that it has complied at all times with California law, including the
12 California Labor Code, the Industrial Commission Wage Orders, and the California Business and
13 Professions Code.

14 On May 16, 2024, this Court entered an Order Granting Preliminary Approval of
15 Settlement, resulting in certification of the following provisional Settlement Class: all current and
16 former non-exempt, hourly employees who are or were employed by Defendant in California at
17 any time between September 13, 2018 through November 15, 2023.

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

25 The Court, upon Notice having been given as required in the Preliminary Approval Order,
26 and having considered the Class Action and PAGA Settlement Agreement, as well as all papers
27 filed, hereby **ORDERS, ADJUDGES AND DECREES AS FOLLOWS:**

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 Class and all Aggrieved Employees.

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

5 3. The Notice provided to the Settlement Class 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 Three Hundred Thousand
18 Dollars (\$300,000).

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

20 7. Zero (0) Class Members have requested exclusion from the Settlement.

21 8. Upon entry of this Order, compensation to the participating members of the
22 Settlement Class and all Aggrieved Employees shall be affected pursuant to the terms of the
23 Settlement.

24 9. In addition to any recovery that Plaintiffs may receive from the Net Settlement
25 Amount, and in recognition of the Plaintiffs' efforts on behalf of the Settlement Class, the Court
26 hereby approves the payment of a Service Payment to each Plaintiff in the amount of Five Thousand
27 Dollars (\$5,000). This shall be paid from the Gross Settlement Amount.
28

1 10. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
2 One Hundred Five Thousand Dollars (\$105,000), and the reimbursement of litigation expenses in
3 the sum of Nine Thousand Six Hundred Eighty-Nine Dollars and Thirty-Three Cents (\$9,689.33).
4 This shall be paid from the Gross Settlement Amount.

5 11. The Court approves and orders payment in the amount of Fourteen Thousand Nine
6 Hundred Dollars (\$14,900) to Phoenix Settlement Administrators for performance of its settlement
7 administration services. This shall be paid from the Gross Settlement Amount.

8 12. The Court approves and orders payment in the amount of Seven Thousand Five
9 Hundred Dollars (\$7,500) to the California Labor and Workforce Development Agency for its 75%
10 share of PAGA penalties. This shall be paid from the Gross Settlement Amount.

11 13. Upon the entry of this Order and Judgment, and subject to the occurrence of the
12 Effective Date, Plaintiffs and all participating Class Members shall be deemed to have released the
13 Released Parties from the Released Class Claims as more fully defined in the Settlement.

14 14. Upon the entry of this Order and Judgment, and subject to the occurrence of the
15 Effective Date, Plaintiffs and all Aggrieved Employees shall be deemed to have released the
16 Released Parties from the Released PAGA Claims as more fully defined in the Settlement.

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

19 16. This Court shall retain jurisdiction with respect to all matters related to the
20 administration and consummation of the settlement, and any and all claims, asserted in, arising out
21 of, or related to the subject matter of the lawsuit, including but not limited to all matters related to
22 the settlement and the determination of all controversies relating thereto.

23 **IT IS SO ORDERED.**

24
25 Dated: 8/14/2024

26 
27 JUDGE OF THE SUPERIOR COURT
28 Thomas P Breen