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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

CHARLES HARRIS and YASEEN
ABDULRAHMAAN, on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs.

AMERICAN FREIGHT MANAGEMENT
COMPANY LLC, a Corporation, AMERICAN
FREIGHT MANAGEMENT CO., a Corporation,
and DOES 1 through 100, inclusive,

Defendants.

Case No. 34-2022-00329805

[Assigned for All Purposes to the Honorable
Lauri Damrell in Department 22]

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

Date: August 30, 2024
Time: 9:00am
Dept.: 22

Complaint Filed: November 10, 2022

1 Plaintiffs CHARLES HARRIS and YASEEN ABDULRAHMAAN’s (“Plaintiffs”) Motion for
2 an Order Granting Final Approval of Class Action Settlement came regularly for hearing on August 30,
3 2024. The Court has read, heard, and considered all the pleadings and documents submitted, and the
4 presentations made in connection with the Motion.

5 **I. BACKGROUND**

6 **A. Class Members**

7 The Class Period is November 10, 2018 through July 26, 2023 (“Class Period”). For settlement
8 purposes only, the Court certifies the following Settlement Class: “person employed by Defendant in
9 California as a non-exempt employee during the Class Period.”

10 **B. Operation of the Settlement.**

11 Pursuant to the Preliminary Approval Order dated April 12, 2024, this Court conditionally
12 certified the Class and granted preliminary approval to the Settlement. The Preliminary Approval Order
13 also approved of the proposed class notice. The Court entered the Preliminary Approval Order after
14 review and consideration of all of the pleadings filed in connection herewith.

15 In compliance with the Preliminary Approval Order, the Class Notice was sent to all Class
16 Members via first class mail. The notice process was timely completed.

17 This Court finds that the Settlement appears to be the product of serious, informed, non-collusive
18 negotiations, has no obvious deficiencies, and does not improperly grant preferential treatment to any
19 individuals. The Court further finds that the Settlement is fair, reasonable and adequate, that due and
20 adequate notice was provided to Class Members, and that Plaintiffs have satisfied the standards for final
21 approval of a class action settlement under California law. Under the provisions of California *Code of*
22 *Civil Procedure* section 382 as set forth in *Vasquez v. Superior Court*, 4 Cal.3d 800, 821 (1971), the trial
23 court has discretion to certify a class where:

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

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

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Good cause appearing **IT IS HEREBY ORDERED AND ADJUDICATED** as follows:

1. For purposes of this Order, the Court adopts all defined terms as set forth in the Class Action and Private Attorneys General Act (Labor Code § 2698, et seq.) Settlement Agreement (“Settlement Agreement” or “Settlement”).

2. The Court has jurisdiction over the subject matter of the litigation, the Class Representatives, Class Members, and Defendant.

3. The Court finds that the dissemination of the Class Notice to the Class Members by the appointed Settlement Administrator, Phoenix Settlement Administrators, constituted the best notice practicable under the circumstances to all Class Members, and fully met the requirements of California law and due process under the State and Federal Constitutions.

4. The Court approves the settlement of the above-captioned action, as set forth in the Agreement, as fair, adequate, and reasonable to the Parties and Class Members. The Parties are directed to perform in accordance with the terms set forth in the Agreement.

5. The Court hereby certifies the following Class for settlement purposes only: all current and former employees employed by Defendant in California who were paid any wages during the Class Period.

6. With respect to the Class and for purposes of approving the settlement only and for no other purpose, this Court finds and concludes that: (a) the members of the Class are ascertainable and so numerous that joinder of all members is impracticable; (b) there are questions of law or fact common to the Class, and there is a well-defined community of interest among members of the Class with respect to the subject matter of the non-exempt claims in the Action; (c) the claims of Class Representative is typical of the claims of Class Members; (d) the Class Representative has fairly and adequately protected the interests of the Class Members; (e) a class action is superior to other available methods for an efficient adjudication of this controversy; and (f) the counsel of record for the Class Representative, i.e., Class Counsel, are qualified to serve as counsel for Plaintiff in his individual and representative capacity and for the Class Members.

7. Within twenty-one (21) days after the grant of Final Approval of the settlement, Defendant shall deposit the Gross Settlement Amount of Three Hundred Ninety Eight Thousand Six

1 Hundred Nineteen Dollars and Sixty Nine Cents (\$398,619.69), plus its share of payroll taxes, into a
2 Qualified Settlement Fund to be established by the Settlement Administrator.

3 8. From the Gross Settlement Amount, the Administrator shall pay:

- 4 1. to Class Counsel attorneys' fees in the amount of \$132,873.33 and reimbursement
5 of costs in the amount of \$13,107.31;
- 6 2. to Class Representatives Charles Harris and Yaseen Abdulrahmaan for their
7 services to the Class, and as consideration for the execution of a general release,
8 the amount of \$10,000.00 each;
- 9 3. to the California Labor and Workforce Development Agency the amount of
10 \$30,000.00 for its 75% share of PAGA Penalties; and
- 11 4. to Phoenix Settlement Administrators the amount of \$13,750.00 for its fees and
12 costs in administering the settlement.

13 9. The Court finds that these amounts are fair and reasonable. The Administrator is directed
14 to make such payments in accordance with the terms of the Agreement.

15 10. The Court approves the Individual Settlement Payment and Individual PAGA Payment
16 amounts, which shall be distributed by the Administrator pursuant to the terms of the Agreement from
17 the Net Settlement Amount, after payment of those amounts set forth in Paragraph 8.

18 11. Settlement checks will remain valid for a period of 180 calendar days after they
19 issue. Any check not cashed within 180 calendar days will be distributed to the California Controller's
20 Unclaimed Property Fund in the name of the Class Member.

21 12. The Court finds that there were zero (0) individuals who opted out of the Settlement. All
22 Class Members and Aggrieved Employees shall be bound by the Released Class Claims and Released
23 PAGA Claims provided in the Agreement. The Class Representatives shall be bound by the additional
24 general releases provided in the Agreement.

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

14. The Court sets a compliance hearing for _____ p.m. on _____, 2025. At least ten (10) days before, the Parties shall file the Administrator's Declaration and an amended judgment in compliance with Code of Civil Procedure § 384(b).

IT IS SO ORDERED AND ADJUDGED.

DATED: _____, 2024

Honorable Lauri Damrell
Judge of the Superior Court