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and Proposed Class Counsel

FILED
Superior Court of California
County of Sacramento
08/09/2024
V. Aleman, Deputy

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

KRISTINE KAESTNER, on behalf of
herself and all similarly situated
individuals,

Plaintiff,

v.

MY JOURNEY TRANSPORT, a
California corporation, JOURNEY VIA
GURNEY, LLC, a California limited
liability company, and DOES 1 through 10,
inclusive,

Defendants.

CASE NO: 34-2022-00330013

Assigned to the Hon. Lauri Damrell, Dept. 22

CLASS ACTION

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

Date: August 9, 2024

Time: 9:00 a.m.

Dept.: 22

Complaint Filed: November 18, 2022

1 Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on August 9, 2024. The above-captioned Action is a class action lawsuit brought
3 by Plaintiff Kristine Kaestner ("Plaintiff") against Defendants My Journey Transport and Journey
4 Via Gurney, LLC ("Defendants") (collectively, the "Parties"). Plaintiff alleges, on behalf of a class
5 of certain of Defendant's current and former employees, that Defendant failed to pay all wages,
6 failed to provide meal and rest periods or compensation in lieu thereof, failed to pay wages due
7 timely upon separation of employment, failed to maintain required records, and failed to comply
8 with itemized wage statement provisions. Defendants deny any and all alleged wrongdoing and
9 deny any liability to Plaintiff or to members of the Class or Aggrieved Employees. Defendants
10 contend that they have complied at all times with California law, including the California Labor
11 Code, the Industrial Commission Wage Orders, and the California Business and Professions Code.

12 On March 28, 2024, this Court entered an Order Granting Preliminary Approval of
13 Settlement, resulting in certification of the following provisional Settlement Class: all persons who
14 are or were previously employed by Defendants in a non-exempt position in the State of California
15 between November 18, 2018 and November 15, 2022. The Aggrieved Employees are defined as
16 all persons who are or were previously employed by Defendants in a non-exempt position in the
17 State of California between November 9, 2021 and November 15, 2022.

18 The Preliminary Approval Order further directed the Parties to provide Notice to the Class,
19 which informed absent Class Members of: (a) the proposed Settlement, and the Settlement's key
20 terms; (b) the date, time and location of the Final Approval Hearing; (c) the right of any Class
21 Member to object to the proposed Settlement, and an explanation of the procedures to exercise that
22 right; (d) the right of any Class Member to exclude themselves from the proposed Settlement, and
23 an explanation of the procedures to exercise that right; and (e) an explanation of the procedures for
24 Class Members 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 Settlement Agreement and Release of Claims (the "Settlement"), as well
27 as all papers filed, hereby **ORDERS, ADJUDGES AND DECREES AS FOLLOWS:**
28

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 Fifteen
18 Thousand Dollars (\$315,000).

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

20 7. Six (6) Class Members have requested exclusion from the Settlement. The
21 following persons shall not be bound by the terms of the Settlement Agreement or this Order and
22 Judgment: Erwin Galicano Quial, John F. Weston, Sarah Anne Feil, Sergey Demchuk, Maria Elena
23 Ochoa Lomeli and Lori A. Darling.

24 8. Upon entry of this Order, compensation to the Class Members and all Aggrieved
25 Employees shall be affected pursuant to the terms of the Settlement.

26 9. In addition to any recovery that Plaintiff may receive from the Net Settlement
27 Proceeds, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
28

1 hereby approves the payment of Enhancement Payment to Plaintiff Kristine Kaestner in the amount
2 of Five Thousand Dollars (\$5,000). This shall be paid from the Gross Settlement Amount.

3 10. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
4 One Hundred Five Thousand Dollars (\$105,000), and the reimbursement of litigation expenses in
5 the sum of Sixteen Thousand Two Hundred Ninety-Two Dollars and Ninety-Two Cents
6 (\$16,292.92). This shall be paid from the Gross Settlement Amount.

7 11. The Court approves and orders payment in the amount of Seven Thousand Four
8 Hundred Fifty Dollars (\$7,450) to Phoenix Class Action Administration Solutions for performance
9 of its settlement administration services. This shall be paid from the Gross Settlement Amount.

10 12. The Court approves and orders payment in the amount of Thirty Thousand Dollars
11 (\$30,000) to the California Labor and Workforce Development Agency for its 75% share of PAGA
12 penalties, and Ten Thousand Dollars (\$10,000) to the Aggrieved Employees as part of the Net
13 Settlement Proceeds. This shall be paid from the Gross Settlement Amount.

14 13. Upon the entry of this Order and Judgment, Plaintiff and all Class Members who
15 did not exclude themselves from the Settlement and all Aggrieved Employees shall be bound by
16 the releases of claims as set forth in the Settlement.

17 14. 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 15. 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 Dated: August 9, 2024



25 
26 **Lauri A. Damrell / Judge**
27 JUDGE OF THE SUPERIOR COURT
28