

FILED
 Superior Court of California,
 County of Imperial
12/07/2023 at 08:41:25 AM
 By: Leana Dale, Deputy Clerk

DANIEL F. GAINES, ESQ. SBN 251488
 daniel@gaineslawfirm.com
 ALEX P. KATOFISKY, ESQ. SBN 202754
 alex@gaineslawfirm.com
 EVAN S. GAINES, ESQ. SBN 287668
 evan@gaineslawfirm.com
GAINES & GAINES, APLC
 4550 East Thousand Oaks Boulevard, Suite 100
 Westlake Village, California 91362
 Telephone: (818) 703-8985
 Facsimile: (818) 703-8984

 Attorneys for Plaintiff Bryan Cioffi
 and Proposed Class Counsel

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF IMPERIAL**

BRYAN CIOFFI, individually and on
 behalf of all similarly situated individuals,

 Plaintiff,

 v.

 J.J. KELLER & ASSOCIATES, INC., a
 Wisconsin corporation, and DOES 1
 through 10, inclusive,

 Defendants.

CASE NO: ECU002941

Assigned to the Hon. L. Brooks Anderholt, Dept. 9

CLASS ACTION

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

DATE: December 7, 2023

TIME: 8:30 a.m.

DEPT.: 9

Complaint Filed: May 26, 2023

Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came before this Court on December 7, 2023. The above-captioned Action is a class and representative action lawsuit brought by Plaintiff Bryan Cioffi ("Plaintiff") against Defendant J.J. Keller & Associates, Inc. ("Defendant") (collectively, the "Parties"). Plaintiff alleges, on behalf of a class of Defendant's current and former employees, that Defendant failed to pay all wages due, failed to provide meal and rest periods or compensation in lieu thereof, failed to timely pay wages due, and failed to comply with itemized wage statement provisions. Plaintiff also alleges Labor Code

1 violations pursuant to the Private Attorneys General Act ("PAGA"). Defendant denies any and all
2 alleged wrongdoing, and denies any liability to the Plaintiff or to members of the Class. Defendant
3 contends that it has complied at all times with California law, including the California Labor Code,
4 the Industrial Commission Wage Orders, the PAGA, and the California Business and Professions
5 Code.

6 On July 27, 2023, this Court entered an Order Granting Preliminary Approval of Settlement,
7 resulting in certification of the following provisional Settlement Class: all non-exempt employees
8 who worked for J.J. Keller & Associates Inc. in California from December 14, 2018 through May
9 2, 2023.

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

17 The Court, upon Notice having been given as required in the Preliminary Approval Order,
18 and having considered the Settlement Agreement and Release of Claims (the "Settlement"), as well
19 as all papers filed, hereby **ORDERS, ADJUDGES AND DECREES AS FOLLOWS:**

20 1. This Court has jurisdiction over the subject matter of the Action and over all Parties
21 to the Action, including all members of the Settlement Class.

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

24 3. The Notice provided to the Settlement Class conforms with the requirements of
25 California Code of Civil Procedure section 382, California Civil Code section 1781, California
26 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other
27 applicable law, and constitutes the best notice practicable under the circumstances, by providing
28

1 individual notice to all Class Members who could be identified through reasonable effort, and by
2 providing due and adequate notice of the proceedings and of the matters set forth therein to the
3 Class Members. The notice fully satisfied the requirements of due process.

4 4. The Court finds the settlement was entered into in good faith, that the settlement is
5 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable
6 requirements for final approval of this class action settlement under California law, including the
7 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
8 3.769.

9 5. The Court approves the Gross Settlement Amount of One Hundred Thirty-Five
10 Thousand Dollars (\$135,000).

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

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

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

16 9. In addition to any recovery that Plaintiff may receive from the Net Settlement
17 Proceeds, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
18 hereby approves the payment of an incentive award to Plaintiff Bryan Cioffi in the amount of Ten
19 Thousand Dollars (\$10,000). This shall be paid from the Gross Settlement Amount.

20 10. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
21 Fifty-Four Thousand Dollars (\$54,000), and the reimbursement of litigation expenses in the sum
22 of One Thousand Nine Hundred Eighty-Five Dollars and Fifteen Cents (\$1,985.15). This shall be
23 paid from the Gross Settlement Amount.

24 11. The Court approves and orders payment in the amount of Four Thousand Dollars
25 (\$4,000) to Phoenix Settlement Administrators for performance of its settlement administration
26 services. This shall be paid from the Gross Settlement Amount.

1 12. The Court approves and orders payment in the amount of Seven Thousand Five
2 Hundred Dollars (\$7,500) to the California Labor and Workforce Development Agency for its 75%
3 share of PAGA penalties and Two Thousand Five Hundred Dollars (\$2,500) to the Aggrieved
4 Employees for their 25% share of the PAGA penalties. This shall be paid from the Gross Settlement
5 Amount.

6 13. Upon the entry of this Order and Judgment, and subject to the occurrence of the
7 Effective Date, Plaintiff and all participating Class Members shall be deemed to have released the
8 Releasees from the Settlement Class Released Claims as more fully defined in the Settlement.

9 14. Upon the entry of this Order and Judgment, and subject to the occurrence of the
10 Effective Date, Plaintiff and all Aggrieved Employees shall be deemed to have released the
11 Releasees from the Released PAGA Claims as more fully defined in the Settlement.

12 15. Upon completion of administration of the Settlement, the parties shall file a
13 declaration stating that claims have been paid and that the terms of the settlement have been
14 completed.

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

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

21 **IT IS SO ORDERED.**

22
23 Dated: 12/07/2023


JUDGE OF THE SUPERIOR COURT