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Attorneys for Plaintiffs
PAUL CHE, individually and on behalf of all others
similarly situated

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JUN 04 2024

BY Patricia Guerrero
PATRICIA GUERRERO, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO**

PAUL CHE, an Individual, on behalf of
himself and all others similarly situated

Plaintiffs,

v.

MAG INSTRUMENT, INC.; and DOES 1
through 100, Inclusive

Defendant

CASE NO.: CIVSB2214186

[Assigned for all purposes to Hon. David. E. Driscoll,
Dept. S22 SBJC]

CLASS ACTION

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

Date: June 4, 2024

Time: 8:30 a.m.

Dept: Dept. S22 SBJC

Action Filed: 07/07/2022

Trial Date: None Set

The above-entitled action is a class action lawsuit brought by Plaintiff Paul Che ("Plaintiff") against Defendant MAG INSTRUMENT, INC. ("Defendant"). Plaintiff and Defendant reached a settlement subject to Court approval as represented in the Joint Stipulation and Settlement of Class Action and PAGA Claims (herein after "Stipulation"/ "Settlement Agreement") that was filed previously with this Court as part of Plaintiff's Motion for Preliminary Approval. On June 4, 2024 this Court conducted a Final Settlement Fairness Hearing pursuant to Rule 3.769 of the California Rules of Court

1 and this Court's previous Order Granting Plaintiff's Motion for Preliminary Approval of Class Action
2 Settlement (the "Preliminary Approval Order") entered herein on January 11, 2024. Due and adequate
3 notice having been given to the Class as required in said Preliminary Approval Order, and the Court
4 having considered all papers filed and proceedings had herein and otherwise being fully informed in the
5 matter, and good cause appearing therefore:

6 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

7 1. For the reasons set forth in the Preliminary Approval Order, which are adopted and
8 incorporated herein by reference, this Court finds that the applicable requirements of the California
9 Code of Civil Procedure § 382 and Rule 3.769 of the California Rules of Court have been satisfied with
10 respect to the Class and the proposed Settlement. The Court hereby makes final its earlier provisional
11 certification of the Class for settlement purposes, as set forth in the Preliminary Approval Order, and
12 finds that the Class is properly certified as a class for settlement purposes only.

13 2. This Final Order and Judgment Granting Plaintiff's Motion for Final Approval of Class
14 Action Settlement (hereinafter the "Final Order and Judgment") hereby adopts and incorporates by
15 reference the terms and conditions of the Settlement Agreement, together with the definitions of terms
16 used and contained therein.

17 3. The Court finds that it has jurisdiction over the subject matter of the Class Action and
18 over all parties to the Class Action, including all members of the Class.

19 4. The Class Notice given to the Class Members fully and accurately informed the Class
20 Members of all material elements of the proposed Settlement and of their opportunity to object to or
21 comment thereon; was the best notice practicable under the circumstances; was valid, due, and sufficient
22 notice to all Class Members; and complied fully with the laws of the State of California, the United
23 States Constitution, due process, and other applicable law. The Class Notice fairly and adequately
24 described the Settlement and provided Class Members adequate instructions and a variety of means to
25 obtain additional information. A full opportunity has been afforded to the Class Members to participate
26 in the Final Approval hearing, and all Class Members and other persons wishing to be heard have been
27 heard. Accordingly, the Court determines that all Class Members who did not timely and properly
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1 execute a request for exclusion are bound by this Final Order and Judgment. The following individuals
2 have excluded themselves from the Class Action and thus are not class members: Irma Gayton-Larios,
3 Dolores Cornejo Monje, Maria Luz Rico, and Laura Alicia Villasenor.

4 5. The Court has considered all relevant factors for determining the fairness of the settlement and
5 has concluded that all such factors weigh in favor of granting final approval. In particular, the Court
6 finds that the Settlement was reached following meaningful investigation conducted by Class Counsel;
7 that the Settlement is the result of serious, informed, adversarial, and arm's-length negotiations between
8 the Parties; and that the terms of the Settlement are in all respects fair, adequate, and reasonable. In so
9 finding, the Court has considered all of the evidence presented, including evidence regarding the
10 strength of the Plaintiffs' case; the risk, expense, and complexity of the claims presented; the likely
11 duration of further litigation; the amount offered in Settlement; the extent of investigation and
12 discovery completed; and the experience and views of Class Counsel. Accordingly, the Court hereby
13 approves the settlement as set forth in the Settlement Agreement and expressly finds that said
14 settlement is, in all respects, fair, reasonable, adequate, and in the best interests of the entire Class and
15 hereby directs implementation of all remaining terms, conditions, and provisions of the Settlement
16 Agreement.

17 6. The Court hereby finds that the Gross Fund Value of \$150,000.00 and the means of distributing
18 the Net Fund Value to Participating Class Members are fair, reasonable and adequate. The Claims
19 Administrator will distribute the Net Fund Value to participating class members in accordance to the
20 instruction and timeline set forth in the Settlement Agreement.

21 7. The Court hereby confirms Bruce Kokozyan, Esq. of Kokozyan Law Firm, APC as Class
22 counsel. The Court hereby approves attorneys' fees to Class Counsel in the amount of \$50,000 and
23 costs of \$13,371.86 as compensation for all attorney time spent on this matter from inception through
24 and including the final Settlement Fairness Hearing and all other work related to this case and all costs,
25 as these requests are fair and reasonable. This shall be paid from the Gross Fund Value. The Court finds
26 that the Class Counsel's requested attorneys' fees fall within the range of reasonableness and that the
27 results justify the award. The Court has performed a lodestar cross-check of the requested fees and finds
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1 the \$1100 per hour hourly rate requested by Class Counsel Bruce Kokozyan is reasonable and
2 appropriate given his experience, skill, reputation and qualifications and prevailing market rates for
3 work of similar complexity. Costs to the Claims Administrator in the amount of \$8,950 is hereby
4 approved as fair and reasonable. This shall be paid from the Gross Fund Value.

5 8. The Court hereby approves a Service Award to the Named Plaintiff in the amount of
6 \$7,000, which shall be paid from the Gross Fund Value. Named Plaintiff's Service Award is approved
7 based on his contribution to the class, risks incurred, stigma, execution of a general release and all other
8 factors presented to the Court, the Court finds this request fair and reasonable.

9 9. The Court hereby approves a PAGA penalty of \$10,000 with \$7,500 payable to the Labor
10 Workforce Development Agency (LWDA), as this request is fair and reasonable. The balance of \$2,500
11 payable to Aggrieved Employees. These amounts shall be paid from the Gross Fund Value.

12 10. Upon entry of this Final Order and Judgment and Defendant's funding of the Gross Fund
13 Value, and in the absence of any Excluded Class Members, Plaintiff and all members of the Class shall
14 be bound by the Settlement and this Final Order and Judgment, and the Released Class Claims in favor
15 of Defendant and other Released Parties as set forth in the Settlement Agreement, and such Class
16 Members will be barred from prosecuting against Defendant and the other Released Parties any and all
17 of the Released Class Claims for the Class Period, as set forth in the Settlement Agreement.

18 11. The Court further confirms and finds that nothing contained in the Stipulation, the
19 Preliminary Approval Order, this Final Order and Judgment, or any other Order entered in this action
20 shall in any way or manner constitute an admission or determination of liability by or against
21 Defendant, or any other Released Parties with respect to any of the claims and causes of action asserted
22 by the Class or any member thereof, and shall not be offered in evidence in any action or proceeding
23 against Defendant, or any other Released Parties in any court, administrative agency, or other tribunal
24 for any purpose whatsoever, other than to the extent necessary to enforce the provisions of the
25 Settlement Agreement or this Final Order and Judgment. Neither the Settlement Agreement, the
26 Preliminary Approval Order, this Final Order and Judgment nor any other Order entered in this action is
27 a finding that certification of the Class is proper for any purpose or proceeding other than for settlement
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1 purposes in this action. This paragraph shall not, however, diminish or otherwise affect the obligation,
2 responsibilities, or duties of Defendants under the Settlement Agreement and this Final Order and
3 Judgment.

4 12. By operation of the entry of this Final Order and Judgment, as of the Effective Date, the
5 Parties and Class Members are ordered to perform their respective duties and obligations under the
6 Settlement Agreement.

7 13. If the settlement does not become final and effective in accord with the terms of the
8 Settlement Agreement, then this Final Order and Judgment shall be rendered null and void and shall be
9 vacated and, in such event, all orders entered, including but not limited to all releases delivered in
10 connection herewith, shall be null and void.

11 **JUDGMENT**

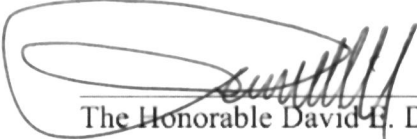
12 In accordance with, and for the reasons stated in, the Final Approval Order, judgment shall be
13 entered whereby Representative / Named Plaintiff and all Settlement Class Members shall take nothing
14 from Defendant, except as expressly set forth in the Settlement Agreement, which was previously filed,
15 as part of Plaintiff's Motion for Preliminary Approval of the Class Action Settlement. Pursuant to
16 California Code of Civil Procedure Section 664.6 and Rule 3.769(h) of the California Rules of Court,
17 this Court reserves exclusive and continuing jurisdiction over this action, the Representative / Named
18 Plaintiff, Class Members, and Defendant, for the purposes of:

19 (a) supervising the implementation, enforcement, construction, and interpretation of the Settlement
20 Agreement, the Preliminary Approval Order, the plan of allocation, the Final Approval Order, and the
21 Judgment; and

22 (b) supervising distribution of amounts paid under this Settlement.

23
24 IT IS SO ORDERED.

25 Dated: 6/4/24

26 
27 The Honorable David G. Driscoll
28 Judge of the Superior Court