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**FILED**  
San Diego Superior Court  
Central Division

JAN 10 2025

Clerk of the Superior Court  
By: A. Yim, Deputy

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

RAYNA MENENDEZ, individually and  
on behalf of all others similarly situated,

Plaintiffs,

vs.

PETUNIA HOLDINGS, LLC; HUDSON  
RIVER OPCO, LLC; and DOES 1  
through 20, inclusive,

Defendants.

Case No. 37-2022-00052139-CU-OE-CTL

Assigned for all purposes to  
Judge Katherine Bacal  
Dept. C-63

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

Date: January 10, 2025  
Time: 1:30 p.m.  
Dept: C-63

1 This matter came on for hearing on January 10, 2025 at 1:30 p.m., or as soon thereafter  
2 as the matter may be heard in Department C-69 of the above-captioned Court on the unopposed  
3 Motion for Final Approval of Class Action Settlement pursuant to California Rule of Court 3.769,  
4 this Court's Order Granting Preliminary Approval filed on August 16, 2024, and the CLASS  
5 ACTION AND PAGA SETTLEMENT AGREEMENT AND CLASS NOTICE ("Settlement  
6 Agreement"), a copy of which was filed as Exhibit 1 to the Declaration of Kristy R. Connolly in  
7 Support of Plaintiffs' Motion for Final Approval of Class Action Settlement.

8 Having received and considered the Settlement Agreement, the supporting papers filed by  
9 the Parties, and the evidence and argument received by the Court in conjunction with the  
10 unopposed Motion for Preliminary Approval of Class Action Settlement heard on August 16,  
11 2024 and the instant Motion for Final Approval, the Court grants final approval of the Settlement  
12 and HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

13 1. Pursuant to the Order Granting Preliminary Approval, a Notice Packet was sent to  
14 each Class Member by first-class mail. These papers informed the Class of the terms of the  
15 Settlement, their right to receive an Individual Settlement Payment, their right (a) to comment on  
16 or object to the Settlement, (b) to request exclusion from the Settlement and pursue their own  
17 remedies, and (c) of their right to appear in person or by counsel at the final approval hearing and  
18 to be heard regarding approval of the Settlement. Adequate periods of time were provided by  
19 each of these procedures. No member of the Class filed written objection to the proposed  
20 Settlement as part of this notice process or stated an intention to appear at the final approval  
21 hearing.

22 2. The Court finds and determines that this notice procedure afforded adequate  
23 protections to Class Members and provides the basis for the Court to make an informed decision  
24 regarding approval of the Settlement based on the responses of the Class. The Court finds and  
25 determines that the notice provided in this case was the best notice practicable, which satisfied  
26 the requirements of law and due process.

27 3. With respect to the Class and for purposes of approving this Settlement only, this  
28 Court finds and concludes that: (a) the members of the Class are ascertainable and so numerous

1 that joinder of all members is impracticable; (b) there are questions of law or fact common to the  
2 Class, and there is a well-defined community of interest among members of the Class with respect  
3 to the subject matter of the Action; (c) the claims of Class Representatives Rayna Menendez and  
4 Jose Duran are typical of the claims of the members of the Class; (d) the Class Representatives  
5 have fairly and adequately protected the interests of the members of the Class; (e) a class action  
6 is superior to other available methods for an efficient adjudication of this controversy; and (f) the  
7 counsel of record for the Class Representatives, i.e., Class Counsel, are qualified to serve as  
8 counsel for Plaintiffs in their individual and representative capacities for the Class.

9         4.       The Court has certified a Class, as that term is defined in and by the terms of the  
10 Settlement Agreement as all persons currently or formerly employed by Defendant as a non-  
11 exempt employee in the State of California at any time during the Class Period and who did not  
12 sign arbitration agreements. The Class Period is defined as December 30, 2018 to February 21,  
13 2024. The Court deems this definition sufficient for purposes of California Rule of Court  
14 3.765(a).

15         5.       The Court hereby confirms Aegis Law Firm, PC as Class Counsel.

16         6.       The Court hereby confirms Plaintiffs Rayna Menendez and Jose Duran as the  
17 Class Representatives in this Action.

18         7.       The Court finds and determines that the terms set forth in the Settlement  
19 Agreement are fair, reasonable, and adequate and directs the Parties to effectuate the Settlement  
20 according to its terms, having found that the Settlement was reached as a result of informed and  
21 non-collusive arm's-length negotiations facilitated by a neutral mediator. The Court further finds  
22 that the Parties conducted extensive investigation, research, and discovery and that their attorneys  
23 were able to reasonably evaluate their respective positions. The Court also finds that the  
24 Settlement will enable the Parties to avoid additional and potentially substantial litigation costs,  
25 as well as delay and risks if the Parties were to continue to litigate the case. The Court has  
26 reviewed the monetary recovery provided as part of the Settlement and recognizes the significant  
27 value accorded to the Class.

1           8.       The Court further finds and determines that the terms of the Settlement are fair,  
2 reasonable and adequate to the Class and to each Participating Class Member and that the  
3 Settlement is ordered finally approved, and that all terms and provisions of the Settlement should  
4 be and hereby are ordered to be consummated.

5           9.       The Court hereby approves the Gross Settlement Amount of \$250,000.00.

6           10.      The Court finds and determines that the Individual Settlement Payments to be paid  
7 to Participating Class Members as provided for by the Settlement are fair and reasonable. The  
8 Court hereby gives final approval to and orders the payment of those amounts be made to the  
9 Participating Class Members in accordance with the Settlement Agreement.

10          11.      The Court finds and determines that an allocation of \$12,000 from the Gross  
11 Settlement Amount to the resolution of claims under PAGA is fair, reasonable, and appropriate.  
12 The Court hereby gives final approval to and orders the payment of \$9,000 to the California Labor  
13 and Workforce Development Agency as its share of the settlement of civil penalties and the  
14 payment of \$3,000 to the Aggrieved Employees in accordance with the Settlement Agreement.

15          12.      The Court finds and determines that the fees and expenses in administrating the  
16 Settlement incurred by Apex Class Action Administration in the amount of \$6,990.00 are fair  
17 and reasonable. The Court hereby gives final approval to and orders that the payment of that  
18 amount in accordance with the Settlement.

19          13.      The Court finds and determines the Class Representatives Enhancement Award  
20 of \$10,000.00 to the Named Plaintiff Rayna Menendez and \$2,500 to the Named Plaintiff Jose  
21 Duran is fair and reasonable. The Court hereby orders the Administrator to make this payment  
22 to the Plaintiffs/Class Representatives in accordance with the terms of the Settlement  
23 Agreement.

24          14.      Pursuant to the terms of the Settlement, and the authorities, evidence and  
25 argument submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees  
26 in the sum of \$83,333.33 and litigation costs of \$15,435.30.

1           15.     The Court finds such amounts to be fair and reasonable. The Court hereby orders  
2 the Settlement Administrator to make these payments in accordance with the terms of the  
3 Settlement Agreement.

4           16.     The Court hereby enters final judgment in accordance with the terms of the  
5 Settlement Agreement, the Order Granting Preliminary Approval filed on August 16, 2024, and  
6 this Order.

7           17.     Without affecting the finality of this order or the entry of judgment in any way,  
8 the Court retains jurisdiction of all matters relating to the interpretation, administration,  
9 implementation, effectuation, and enforcement of this order and the Settlement.

10          18.     Neither the making of the Settlement Agreement nor the entry into the Settlement  
11 Agreement constitutes an admission by Defendant, nor is this order a finding of the validity of  
12 any claims in this case or of any other wrongdoing. Further, the Settlement Agreement is not a  
13 concession, and shall not be used as an admission of any wrongdoing, fault, or omission of any  
14 entity or persons; nor may any action taken to carry out the terms of the Settlement Agreement  
15 be construed as an admission or concession by or against Defendant or any related person or  
16 entity.

17          19.     Nothing in this order shall preclude any action to enforce the Parties' obligations  
18 under the Settlement or under this order, including the requirement that Defendants make  
19 payment to the Participating Class Members in accordance with the Settlement.

20          20.     This Judgment is intended to be a final disposition in its entirety of the above  
21 captioned action. Without affecting the finality of this judgment in any way, the Court retains  
22 jurisdiction of all matters relating to the interpretation, administration, implementation,  
23 effectuation, and enforcement of the Settlement pursuant to C.C.P. § 664.6.

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1           21.     The Parties will bear their own costs and attorneys' fees except as otherwise  
2 provided by this Court's Order awarding Class Counsels' Award for attorneys' fees and  
3 litigation costs.

4  
5 DATED: 1/10/25

  
Honorable Katherine Bacal  
JUDGE OF THE SUPERIOR COURT