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

11 ERNEST RABELAS, on behalf of himself and
12 all others similarly situated,

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14 Plaintiff,

15 vs.

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17 ARAM LOGISTICS, INC., a California
18 corporation; and DOES 1 through 100, inclusive,

19 Defendants.
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Case No.: 37-2023-00003165-CU-OE-CTL

CLASS ACTION

*[Assigned for all purposes to Hon.
Gregory W. Pollack, Dept. C-71]*

L.H.
**[PROPOSED] JUDGMENT AND
ORDER GRANTING FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: May 17, 2024
Time: 9:30 a.m.
Dept.: C-71

Action Filed: January 24, 2023
Trial Date: None Set

1 The Motion of Plaintiff Ernest Rabelas ("Plaintiff") for Final Approval of Class Action
2 Settlement (the "Motion") came on regularly for hearing before this Court on May 17, 2024 at
3 9:30 a.m., pursuant to California Rule of Court 3.769 and this Court's earlier Order Granting
4 Preliminary Approval of Class Action Settlement. Having considered the proposed Settlement
5 Agreement (the "Settlement") and the documents and evidence presented in support thereof; and
6 recognizing the sharply disputed factual and legal issues involved in this litigation, the risks of
7 further prosecution, and the substantial benefits to be received by the Settlement Class pursuant
8 to the Settlement, the Court hereby makes a final ruling that the Settlement is fair, reasonable,
9 and adequate, and is the product of good faith, arm's-length negotiations between the parties.
10 Good cause appearing therefor, the Court hereby GRANTS Plaintiff's Motion and hereby
11 ORDERS the following:

12 1. Final judgment is hereby entered in conformity with the Settlement and this Final
13 Approval Order.

14 2. The Court finds that the Settlement Class is ascertainable, and that there is a
15 sufficiently well-defined community of interest among the members of the Settlement Class in
16 questions of law and fact. Therefore, the conditional certification is hereby made final, and the
17 Court certifies, for purposes of the Settlement, the following Settlement Class:

18 All current and former employees who worked for Defendant in
19 California at any time from January 24, 2022 through August 4, 2023
 (the "Class Period").

20 3. The Court hereby confirms Plaintiff as Class Representative, and confirms
21 Abramson Labor Group as Class Counsel.

22 4. The Court finds that notice was provided to Settlement Class members as set forth
23 in the Settlement, which was approved by the Court on December 22, 2023, and the notice
24 process has been completed in conformity with the Settlement. The Court finds that said notice
25 was the best notice practicable under the circumstances. The Class Notice provided due and
26 adequate notice of the proceedings and matters set forth therein, informed Settlement Class
27 members of their rights, and fully satisfied the requirements of California Code of Civil
28 Procedure § 1781(e), California Rule of Court 3.769, and due process.

5. The Court finds that no Settlement Class member objected to the Settlement, that no Settlement Class member opted out of the Settlement, and that the 100% participation rate in the Settlement supports final approval.

6. The Court hereby approves the settlement as set forth in the Settlement as fair, reasonable, and adequate, and directs the parties to effectuate the Settlement according to its terms.

7. For purposes of settlement only, the Court finds that: (a) the members of the Settlement Class are ascertainable and so numerous that joinder of all members is impracticable; (b) there are questions of law or fact common to the Settlement Class, and there is a well-defined community of interest among members of the Settlement Class with respect to the subject matter of the litigation; (c) the claims of the Class Representative are typical of the claims of the members of the Settlement Class; (d) the Class Representative has fairly and adequately protected the interests of the Settlement Class members; (e) a class action is superior to other available methods for an efficient adjudication of this controversy; and (f) Class Counsel are qualified to serve as counsel for the Class Representative and the Settlement Class.

8. The Court orders that ALI shall deposit the Gross Settlement Amount into an account established by ILYM Group, Inc. ("Settlement Administrator"), in accordance with the schedule outlined in the Settlement.

9. The Court finds that the individual Settlement Awards, as provided for in the Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to distribute the individual Settlement Awards in conformity with the terms of the Settlement.

10. The Court finds that the incentive award in the amount of \$7,500 to Plaintiff is appropriate for his risks undertaken and his service to the Settlement Class. The Court finds this award is fair, reasonable, and adequate, and orders that the Settlement Administrator make this payment in conformity with the terms of the Settlement.

11. The Court orders that the Settlement Administrator shall be paid \$4,500.00 from the Gross Settlement Amount for all of its work done and to be done until the completion of this matter, and finds that sum appropriate.

1 12. The Court finds that attorneys' fees in the amount of \$40,000.00 for Class
2 Counsel, and litigation costs of \$5,275.10, are fair, reasonable, and adequate in light of the
3 common fund created by this litigation, and orders that the Settlement Administrator distribute
4 these payments in conformity with the terms of the Settlement.

5 13. The Court finds that the payment to the California Labor & Workforce
6 Development Agency ("LWDA") in the amount of \$22,500.00 for its share of the settlement of
7 Plaintiff's representative claims under the California Labor Code Private Attorneys General Act
8 ("PAGA") is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute
9 this payment to the LWDA in conformity with the terms of the Settlement.

10 14. The Court finds and determines that upon satisfaction of all obligations under the
11 Settlement and this Order and Judgment, all Participating Class Members will be bound by the
12 Settlement, and will have released their claims as set forth in the Settlement. Specifically, upon
13 satisfaction of all obligations under the Settlement and this Order and Judgment, all Participating
14 Class Members will have released ALI from all of the California Released Claims, as that term
15 is defined in the Settlement, for the duration of the Class Period. In addition, all Settlement Class
16 members who worked for ALI in California at any time during the Class Period will have released
17 ALI from the PAGA Released Claims, as that term is defined in the Settlement.

18 15. This document shall constitute a final judgment pursuant to Cal. Rule of Court
19 3,769(h), which provides, "If the Court approves the settlement agreement after the final approval
20 hearing, the court must make and enter judgment. The judgment must include a provision for the
21 retention of the court's jurisdiction over the parties to enforce the terms of the judgment. The
22 court may not enter an order dismissing the action at the same time as, or after, entry of
23 judgment." The Court will retain jurisdiction to enforce the Settlement and this Final Approval
24 Order and Judgment.

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16. The Court orders Plaintiff to file a report of disbursement on or before October 15, 2024.

IT IS SO ORDERED.

Dated: _____, 2024



Hon. Gregory W. Pollack
Judge of the Superior Court