

JUN -2 2025

Clerk of the Superior Court
By: R. Cersosimo, Deputy

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and Proposed Class Counsel

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

DARRYL BURROWS, on behalf of
himself and all "aggrieved employees"
pursuant to Labor Code § 2698 *et seq.*,

Plaintiff,

v.

HOSPITALITY SERVICES GROUP LLC,
an Indiana limited liability company, and
DOES 1 through 10, inclusive,

Defendants.

CASE NO: 37-2023-00013910-CU-OE-CTL

Assigned to the Hon. Richard S. Whitney, Dept. C-68

CLASS ACTION

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

DATE: May 30, 2025

TIME: 10:30 a.m.

DEPT.: C-68

Action Filed: April 4, 2023

1 Plaintiff's Motion for an Order Granting Final Approval of Class Action Settlement came
2 before this Court on May 30, 2025. The above-captioned Action is a class action lawsuit brought
3 by Plaintiff Darryl Burrows ("Plaintiff") against Defendant Hospitality Services Group, LLC
4 ("Defendant") (collectively, the "Parties"). Plaintiff alleges, on behalf of a Class of certain of
5 Defendant's current and former employees, that Defendant failed to provide meal and rest periods
6 or compensation in lieu thereof, failed to pay wages due timely upon separation of employment,
7 and failed to comply with itemized wage statement provisions. Defendant denies any and all
8 alleged wrongdoing and denies any liability to Plaintiff or to members of the Class. Defendant
9 contends that that it has complied at all times with California law, including the California Labor
10 Code, the Industrial Commission Wage Orders, and the California Business and Professions Code.

11 On January 27, 2025, this Court entered an Order Granting Preliminary Approval of
12 Settlement, resulting in certification of the following provisional Settlement Class: all non-exempt
13 employees of Defendant in California at any time between April 4, 2019 and March 18, 2024.

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

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

24 1. This Court has jurisdiction over the subject matter of the Action and over all Parties
25 to the Action, including all members of the Settlement Class and all Aggrieved Employees.

26 2. The Court finds that the Settlement Class is properly certified for settlement
27 purposes only.
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1 3. The Notice provided to the Settlement Class conforms with the requirements of
2 California Code of Civil Procedure section 382, California Civil Code section 1781, California
3 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other
4 applicable law, and constitutes the best notice practicable under the circumstances, by providing
5 individual notice to all Class Members who could be identified through reasonable effort, and by
6 providing due and adequate notice of the proceedings and of the matters set forth therein to the
7 Class Members. The notice fully satisfied the requirements of due process.

8 4. The Court finds the settlement was entered into in good faith, that the Settlement is
9 fair, reasonable and adequate, and that the Settlement satisfies the standards and applicable
10 requirements for final approval of this class action settlement under California law, including the
11 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
12 3.769.

13 5. The Court approves the Gross Settlement Amount of Three Hundred Forty
14 Thousand Dollars (\$340,000).

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

16 7. One (1) Class Member has requested exclusion from the Settlement. Ebony Wright
17 shall not be bound by the terms of the Settlement or this Order and Judgment.

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

20 9. In addition to any recovery that Plaintiff may receive from the Net Settlement
21 Proceeds, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
22 hereby approves the payment of a Service Payment to the Class Representative Darryl Burrows in
23 the amount of One Thousand Dollars (\$1,000). This shall be paid from the Gross Settlement
24 Amount.

25 10. The Court approves the payment of attorneys' fees to Class Counsel in the sum of
26 One Hundred Nineteen Thousand Dollars (\$119,000) to Gaines & Gaines, APLC, and the
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1 reimbursement of litigation expenses in the sum of Thirteen Thousand Four Hundred Nine Dollars
2 and Forty-Four Cents (\$13,409.44). This shall be paid from the Gross Settlement Amount.

3 11. The Court approves and orders payment in the amount of Eleven Thousand Five
4 Hundred Dollars (\$11,500) to Phoenix Class Action Administration Solutions for performance of
5 its settlement administration services. This shall be paid from the Gross Settlement Amount.

6 12. The Court approves and orders payment in the amount of Fifteen Thousand Dollars
7 (\$15,000) to the California Labor and Workforce Development Agency for its 75% share of PAGA
8 penalties, and Five Thousand Dollars (\$5,000) to the Aggrieved Employees as part of the Net
9 Settlement Proceeds. This shall be paid from the Gross Settlement Amount.

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

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

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

19 **IT IS SO ORDERED.**

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21 Dated: 6-2-25

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JUDGE OF THE SUPERIOR COURT

23 RICHARD S. WHITNEY
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