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11
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF SAN BERNARDINO**

14 JAIRY AGUILAR, on behalf of herself and all
15 others similarly situated,

16 Plaintiff,

17 vs.

18 BURGESSON'S HEATING AND AIR
19 CONDITIONING, INC., a California
20 corporation; and DOES 1 through 100, inclusive,

21 Defendants.

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

JUL 22 2025

BY 
VALERIE URIBE, DEPUTY

Case No.: CIVSB2303316

CLASS ACTION

*[Assigned for all purposes to the Hon.
Christian Towns, Dept. S26]*

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

Date: July 22, 2025

Time: 8:30 a.m.

Dept.: S26

Action Filed: January 25, 2023

Trial Date: None Set

1 The Motion of Plaintiff Jairy Aguilar (“Plaintiff”) for Final Approval of Class Action
2 Settlement (the “Motion”) came on regularly for hearing before this Court on July 22, 2025 at
3 8:30 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: **All current and**
18 **former non-field (e.g. Customer Service Representatives, Dispatch, Billing, and other office**
19 **employees) non-exempt employees employed by Burgeson’s Heating and Air Conditioning,**
20 **Inc., in California at any time from January 25, 2019 through April 15, 2024 (the “Class**
21 **Period”).**

22 3. The Court hereby confirms Plaintiff as Class Representative and confirms Neil
23 M. Larsen and Jennifer S. Rivera of Abramson Labor Group as Class Counsel.

24 4. The Court finds that notice was provided to Settlement Class members as set forth
25 in the Settlement, which was approved by the Court on February 27, 2025, and the notice process
26 has been completed in conformity with the Settlement. The Court finds that said notice was the
27 best notice practicable under the circumstances. The Class Notice provided due and adequate
28 notice of the proceedings and matters set forth therein, informed Settlement Class members of

1 their rights, and fully satisfied the requirements of California Code of Civil Procedure § 1781(e),
2 California Rule of Court 3.769, and due process.

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

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

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

18 8. The Court orders that Defendant shall deposit the Gross Settlement Amount into
19 an account established by Phoenix Settlement Administrators ("Settlement Administrator"), in
20 accordance with the schedule outlined in the Settlement.

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

24 10. The Court finds that the Class Representative Service Award in the amount of
25 \$5,000 to Plaintiff is appropriate for her risks undertaken and her service to the Settlement Class.
26 The Court finds this award is fair, reasonable, and adequate, and orders that the Settlement
27 Administrator make this payment in conformity with the terms of the Settlement.

28 11. The Court orders that the Settlement Administrator shall be paid \$4,950.00 from

1 the Gross Settlement Amount for all of its work done and to be done until the completion of this
2 matter and finds that sum appropriate.

3 12. The Court finds that attorneys' fees in the amount of \$53,000.00 for Class
4 Counsel, and litigation costs of \$20,000.00, are fair, reasonable, and adequate in light of the
5 common fund created by this litigation, and orders that the Settlement Administrator distribute
6 these payments in conformity with the terms of the Settlement.

7 13. The Court finds that the payment to the California Labor & Workforce
8 Development Agency ("LWDA") in the amount of \$11,250.00 for its share of the settlement of
9 Plaintiff's representative claims under the California Labor Code Private Attorneys General Act
10 ("PAGA") is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute
11 this payment to the LWDA in conformity with the terms of the Settlement.

12 14. The Court finds and determines that upon satisfaction of all obligations under the
13 Settlement and this Order and Judgment, all Participating Class Members will be bound by the
14 Settlement, and will have released their claims as set forth in the Settlement. Specifically, upon
15 satisfaction of all obligations under the Settlement and this Order and Judgment, all Participating
16 Class Members will have released Defendant from all of the California Released Claims, as that
17 term is defined in the Settlement, for the duration of the Class Period. In addition, all Settlement
18 Class members employed by Defendant in California at any time from January 25, 2022 through
19 April 15, 2024 (the "PAGA Period"), will have released Defendant from the PAGA Released
20 Claims, as that term is defined in the Settlement, for the duration of the PAGA Period.

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

27 16. The Court will retain jurisdiction to enforce the Settlement and this Final
28 Approval Order and Judgment pursuant to California Code of Civil Procedure section 664.6.

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17. The Court orders Plaintiff to file a report of disbursement on or before
6/30, 2026. *and Hearing Date.*
8:30am
IT IS SO ORDERED.

Dated: 7-22, 2025

C. Towns
Hon. Christian Towns
Judge of the Superior Court