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10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF SAN BERNARDINO**

13 JACQUELINE GARCIA, individually, and on
14 behalf of all others similarly situated,

15 *Plaintiff,*

16 v.

17 1st COMMERCIAL REALTY GROUP, INC., a
18 California corporation; and DOES 1 through 10,
inclusive,

19 *Defendants.*

Case No.: CIVSB2226900

Assigned for all purposes to:
Joseph T. Ortiz
Dept. S17

20 **[PROPOSED] ORDER GRANTING**
21 **FINAL APPROVAL OF CLASS ACTION**
22 **AND PAGA SETTLEMENT AND**
23 **ENTERING JUDGMENT**

24 Date: April 22, 2025
25 Time: 1:30 p.m.
26 Dept.: S17

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

MAY 14 2025

BY *Jessica Garcez*
JESSICA GARCEZ, DEPUTY

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1 This matter came on for hearing on April 22, 2025 at 1:30 p.m., in Department S17 of
2 the above-referenced Court on the Motion for Final Approval of Class Action and PAGA
3 Settlement pursuant to California Rules of Court, Rule 3.769, this Court's Order Granting
4 Plaintiff's Motion for Preliminary Approval of Class Action Settlement filed October 14, 2024,
5 and the Class Action and PAGA Settlement Agreement ("Settlement"), a copy of which was
6 attached as Exhibit 1 to the Declaration of John G. Yslas in Support of Plaintiff's Motion for
7 Preliminary Approval of Class Action and PAGA Settlement.

8 Having received and considered the Settlement, the supporting papers filed by the
9 Parties, and the evidence and argument in conjunction with the Motion for Preliminary Approval
10 of Class Action and PAGA Settlement granted October 14, 2024, and the instant Motion for
11 Final Approval of Class Action and PAGA Settlement, the Court grants final approval of the
12 Settlement and HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

13 1. Pursuant to the Order Granting Plaintiff's Motion for Preliminary Approval of
14 Class Action and PAGA Settlement, the Class Notice was sent to each Class Member by First
15 Class mail. These papers informed Class Members of the terms of the Settlement, their right to
16 receive an Individual Settlement Payment, and their right to: (a) comment on or object to the
17 Settlement; (b) request exclusion from the Settlement and pursue their own remedies; (c) dispute
18 the calculation of their Individual Settlement Payment; and (d) appear at the final approval
19 hearing. No Class Member has objected to the proposed Settlement, and no Class Member has
20 requested exclusion.

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

26 3. With respect to the Class and for purposes of approving this Settlement only, this
27 Court finds and concludes that: (a) the members of the Class are ascertainable and so numerous
28 that joinder of all members is impracticable; (b) there are questions of law or fact common the

1 class and a well-defined community of interest among members of the Class with respect to the
2 subject matter of the action; (c) the claims of Class Representative Jacqueline Garcia are typical
3 of the claims of the Class Members; (d) the Class Representative has fairly and adequately
4 protected the interests of the Class; (e) a class action is superior to other available methods for
5 an efficient adjudication of this controversy; and (f) counsel of record for the Class
6 Representative are qualified to serve as Class Counsel.

7 4. The Court has certified a Class for settlement purposes only, defined as all current
8 or former hourly-paid or non-exempt employee who worked for Defendant in California during
9 the Class Period of November 30, 2018 to April 15, 2024. The Court deems this definition
10 sufficient for purposes of California Rules of Court, Rule 3.765(a).

11 5. The Court hereby confirms John G. Yslas, Samantha A. Smith, Diego Aviles,
12 Harry Erganyan, and Mariam M. Nazaretyan of Wilshire Law Firm, PLC as Class Counsel.

13 6. The Court hereby confirms Plaintiff Jacqueline Garcia as the Class
14 Representative.

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

25 8. The Court hereby approves the Gross Settlement Amount of \$141,750.00¹.

26
27 ¹ The initial Gross Settlement Amount was \$135,000.00, however, the escalator clause was triggered increasing
28 the Gross Settlement Amount by \$6,750.00 resulting in a Gross Settlement Amount of \$141,750.00. *See*
Declaration of Garvin Brown of ILYM Group, Inc., in Support of Motion for Final Approval of Class Action
Settlement ("Brown Decl.") at ¶¶ 5, 13.

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

5 10. The Court finds and determines that payment of \$10,000.00 in civil penalties
6 under PAGA is fair, reasonable, and appropriate. The Labor and Workforce Development
7 Agency will receive 75% (\$7,500.00), and the remaining 25% (\$2,500.00) will be distributed to
8 Aggrieved Employees (defined as any current or former hourly-paid or non-exempt employee
9 who worked for Defendant in California during the PAGA Period of June 27, 2022 to April 15,
10 2024 ("PAGA Period")). The Court hereby grants final approval to and orders the payment of
11 that amount in accordance with the Settlement.

12 11. The Court finds and determines that the fees and expenses in administering the
13 Settlement incurred by ILYM Group, Inc. ("ILYM") in the amount of \$6,950.00 are fair and
14 reasonable. The Court hereby grants final approval to and orders the payment of that amount in
15 accordance with the Settlement.

16 12. The Court finds and determines that the Class Representative Service Payment of
17 \$7,500.00 to Plaintiff Jacqueline Garcia is fair and reasonable. The Court hereby grants final
18 approval to and orders the payment of that amount in accordance with the Settlement.

19 13. Pursuant to the terms of the Settlement, and the authorities, evidence, and
20 argument submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees
21 in the amount of \$47,202.75² and litigation costs in the amount of \$14,505.68. The Court hereby
22 grants final approval to and orders the payment of those amounts in accordance with the
23 Settlement.

24 14. Without affecting the finality of this order or the entry of judgment in any way,
25 the Court retains jurisdiction of all matters relating to the interpretation, administration,
26 implementation, effectuation, and enforcement of this order and the Settlement.

27 _____
28 ² Due to the Gross Settlement Amount increasing to \$141,750.00, Class Counsel's attorneys' fees increased from \$44,955.00 to \$47,202.75. See Brown Decl., at ¶ 13.

1 15. Defendant 1st Commercial Realty Group, Inc. ("Defendant") shall not have any
2 further liability for costs, expenses, interest, attorneys' fees, or for any other charge, expense,
3 or liability, except as provided for by the Settlement.

4 16. Neither the making of this Settlement nor the entry into the Settlement constitutes
5 an admission by Defendant, nor is this order a finding of the validity of any claims in this case
6 or of any other wrongdoing. Further, the Settlement is not a concession and shall not be used as
7 an admission of any wrongdoing, fault, or omission of any entity or persons, nor may any action
8 taken to carry out the terms of the Settlement be construed as an admission or concession by or
9 against Defendant.

10 17. Nothing in this order shall preclude any action to enforce the Parties' obligations
11 under the Settlement or under this order.

12 18. Upon completion of administration of the Settlement, the Settlement
13 Administrator will provide written certification of such completion to the Court, which shall be
14 filed with the Court seven days before the ~~non-appearance~~ compliance hearing set for **December**
15 **18, 2025 at 1:30 p.m.** *8:30 a.m. non-appearance only if filed*

16 19. The Court hereby enters final judgment in accordance with the terms of the
17 Settlement, the Order Granting Plaintiff's Motion for Preliminary Approval of Class Action
18 Settlement, and this Order.

19 20. The Parties will bear their own costs and attorneys' fees except as otherwise
20 provided by this Court's Order awarding Class Counsel's attorneys' fees and litigation costs.

21
22
23 Dated: May 14, 2025

Joseph Ortiz

Honorable Joseph T. Ortiz
JUDGE OF THE SUPERIOR COURT