

Electronically Submitted on 10/10/2024 10:31 AM

DANIEL F. GAINES, ESQ. SBN 251488
daniel@gaineslawfirm.com
ALEX P. KATOFISKY, ESQ. SBN 202754
alex@gaineslawfirm.com
GAINES & GAINES, APLC
4550 E. Thousand Oaks Blvd., Suite 100
Westlake Village, CA 91362
Telephone: (818) 703-8985
Facsimile: (818) 703-8984

Attorneys for Plaintiff Eva Lopez
and Proposed Class Counsel

FILED
BY SUPERIOR COURT OF CALIFORNIA,
COUNTY OF KINGS
10/30/2024
NOCONA SOBOLESKI, CLERK OF THE COURT
JULIENNE DE SANTOS, DEPUTY



SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF KINGS

EVA LOPEZ, on behalf of herself and all
“aggrieved employees” pursuant to Labor
Code § 2698 *et seq.*,

Plaintiff,

v.

QUALITY BUILT, LLC, a Delaware
limited liability company, and DOES 1
through 10, inclusive,

Defendants.

CASE NO: 23CU0207

Assigned to the Hon. Valerie Chrissakis, Dept. 8

CLASS ACTION

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

Date: October 30, 2024

Time: 8:15 a.m.

Dept.: 8

Complaint Filed: June 5, 2023

1 Plaintiff's Motion for an Order Granting Final Approval of the proposed Class and PAGA
2 Action Settlement came before this Court on October 30, 2024. The above-captioned Action is a
3 class action lawsuit brought by Plaintiff Eva Lopez ("Lopez" or "Plaintiff") against Defendant
4 Quality Built, LLC ("Defendant") (collectively, the "Parties"). Plaintiff alleges, on behalf of a class
5 of Defendant's current and former employees, that Defendant failed to pay all wages due, failed to
6 provide meal and rest periods or compensation in lieu thereof, failed to reimburse expenses, failed
7 to pay wages due timely upon separation of employment, and failed to comply with itemized wage
8 statement provisions. Defendant denies any and all alleged wrongdoing and denies any liability to
9 the Plaintiff or to members of the Settlement Class. Defendant contends that it has complied at all
10 times with California law, including the California Labor Code, the Industrial Commission Wage
11 Orders, and the California Business and Professions Code.

12 On July 8, 2024, this Court entered an Order Granting Preliminary Approval of Settlement,
13 resulting in certification of the following provisional Settlement Class: All current and former non-
14 exempt employees of Defendant, who were employed by Defendant in California at any time during
15 the Class Period [June 5, 2019 through February 27, 2024].

16 The Aggrieved Employees are defined as all current and former non-exempt employees of
17 Defendant, who were employed by Defendant in California at any time during the PAGA Period
18 [March 28, 2022 through February 27, 2024].

19 That Order further directed the Parties to provide Notice to the Settlement Class, which
20 informed absent class members in both English and Spanish of: (a) the proposed Settlement, and
21 the Settlement's key terms; (b) the date, time and location of the Final Approval Hearing; (c) the
22 right of any Class Member to object to the proposed Settlement, and an explanation of the
23 procedures to exercise that right; (d) the right of any Settlement Class Member to exclude
24 themselves from the proposed Settlement, and an explanation of the procedures to exercise that
25 right; and (e) an explanation of the procedures for class members to participate in the proposed
26 settlement.
27
28

1 The Court, upon Notice having been given as required in the Preliminary Approval Order,
2 and having considered the Settlement Agreement and Release, as well as all papers filed, hereby
3 ORDERS, ADJUDGES AND DECREES AS FOLLOWS:

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

6 2. The Court finds that the Settlement Class is properly certified for settlement
7 purposes only.

8 3. The Notice provided to the Settlement Class conforms with the requirements of
9 California Code of Civil Procedure section 382, California Civil Code section 1781, California
10 Rules of Court 3.766 and 3.769, the California and United States Constitutions, and any other
11 applicable law, and constitutes the best notice practicable under the circumstances, by providing
12 individual notice to all Settlement Class Members who could be identified through reasonable
13 effort, and by providing due and adequate notice of the proceedings and of the matters set forth
14 therein to the Settlement Class Members. The notice fully satisfied the requirements of due process.

15 4. The Court finds the settlement was entered into in good faith, that the settlement is
16 fair, reasonable and adequate, and that the settlement satisfies the standards and applicable
17 requirements for final approval of this class action settlement under California law, including the
18 provisions of California Code of Civil Procedure section 382 and California Rules of Court, Rule
19 3.769.

20 5. The Court approves the Gross Settlement Amount of Two Hundred Thousand
21 Dollars (\$200,000).

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

23 7. One (1) Settlement Class Members have requested exclusion from the Settlement.

24 8. Upon entry of this Order, compensation to the Participating Settlement Class
25 Members and Aggrieved Employees shall be affected pursuant to the terms of the Settlement
26 Agreement.

1 9. In addition to any recovery that Plaintiff may receive from the Net Settlement
2 Amount, and in recognition of the Plaintiff's efforts on behalf of the Settlement Class, the Court
3 hereby approves a Service Payment to Plaintiff Eva Lopez in the amount of Twelve Thousand
4 Dollars (\$12,000). This shall be paid from the Gross Settlement Amount.

5 10. The Court approves the payment of attorneys' fees to Class Counsel, Gaines &
6 Gaines, APLC, in the sum of Seventy Thousand Dollars (\$70,000), and the reimbursement of
7 litigation expenses in the sum of Eleven Thousand Eight Hundred Eighty-One Dollars and Ten
8 Cents (\$11,881.10). This shall be paid from the Gross Settlement Amount.

9 11. The Court approves and orders payment in the amount of Five Thousand Dollars
10 (\$5,000) to Phoenix Settlement Administrators for performance of its settlement administration
11 services. This shall be paid from the Gross Settlement Amount.

12 12. The Court approves and orders payment in the amount of Seven Thousand Five
13 Hundred Dollars (\$7,500) to the California Labor and Workforce Development Agency for its 75%
14 share of PAGA penalties. This shall be paid from the Gross Settlement Amount.

15 13. Upon the entry of this Order and Judgment, and subject to the occurrence of the
16 Effective Date, Plaintiff, all Participating Settlement Class Members shall be bound by the Released
17 Class Claims and all Aggrieved Employees shall be bound by the Released PAGA Claims, as set
18 forth in the Settlement Agreement.

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

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

25 **IT IS SO ORDERED.** Final hearing re: performance: 10/30/2025 8:15 a.m. D-2. This
26 case is reassigned for all purposes to Hon. R. Shane Burns, Judge
in D-2.

27 Dated: 10/30/24


JUDGE OF THE SUPERIOR COURT