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San Diego Superior Court

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October 16, 2024

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Clerk of the Superior Court
By: B. Orihuela, Deputy

7 *Attorneys for Plaintiff*

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF SAN DIEGO**

11 MARIA ARCE, on behalf of herself and all
12 others similarly situated,

13
14 Plaintiff,

15 vs.

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

19 Defendants.
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Case No.: 37-2023-00018583-CU-OE-CTL

CLASS ACTION

*[Assigned for all purposes to the
Hon. Wendy M. Behan, Dept. C-66]*

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

Date: November 15, 2024

Time: 9:30 a.m.

Dept.: C-66

Action Filed: May 2, 2023

Trial Date: None Set

1 The Motion of Plaintiff Maria Arce (“Plaintiff”) for Final Approval of Class Action
2 Settlement (the “Motion”) came on regularly for hearing before this Court on November 15, 2024,
3 at 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 non-exempt employees who worked for Bezsam,
19 Inc. (“Bezsam”) in California at any time from May 2, 2019 until
November 22, 2023 (the “Class Period”).

20 3. The Court hereby confirms Plaintiff as Class Representative, and confirms Neil
21 M. Larsen, Meghan E. McNally, and Jennifer Rivera of Abramson Labor Group as Class
22 Counsel.

23 4. The Court finds that notice was provided to Settlement Class members as set forth
24 in the Settlement, which was approved by the Court on June 14, 2024, and the notice process has
25 been completed in conformity with the Settlement. The Court finds that said notice was the best
26 notice practicable under the circumstances. The Class Notice provided due and adequate notice
27 of the proceedings and matters set forth therein, informed Settlement Class members of their
28 rights, and fully satisfied the requirements of California Code of Civil Procedure § 1781(e),

1 California Rule of Court 3.769, and due process.

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

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

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

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

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

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

27 11. The Court orders that the Settlement Administrator shall be paid \$10,000.00 from
28 the Gross Settlement Amount for all of its work done and to be done until the completion of this

1 matter, and finds that sum appropriate.

2 12. The Court finds that attorneys' fees in the amount of \$155,000.00 for Class
3 Counsel, and litigation costs of \$21,576.88, are fair, reasonable, and adequate in light of the
4 common fund created by this litigation, and orders that the Settlement Administrator distribute
5 these payments in conformity with the terms of the Settlement.

6 13. The Court finds that the payment to the California Labor & Workforce
7 Development Agency ("LWDA") in the amount of \$30,000.00 for its share of the settlement of
8 Plaintiff's representative claims under the California Labor Code Private Attorneys General Act
9 ("PAGA") is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute
10 this payment to the LWDA in conformity with the terms of the Settlement.

11 14. The Court finds and determines that upon satisfaction of all obligations under the
12 Settlement and this Order and Judgment, all Participating Class Members will be bound by the
13 Settlement, and will have released their claims as set forth in the Settlement. Specifically, upon
14 satisfaction of all obligations under the Settlement and this Order and Judgment, all Participating
15 Class Members will have released Bezsam from all of the California Released Claims, as that
16 term is defined in the Settlement, for the duration of the Class Period. In addition, all Settlement
17 Class members who worked for Bezsam in California at any time from May 4, 2022 to November
18 22, 2023 (the "PAGA Period"), will have released Bezsam from the PAGA Released Claims, as
19 that term is defined in the Settlement, for the duration of the PAGA Period.

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

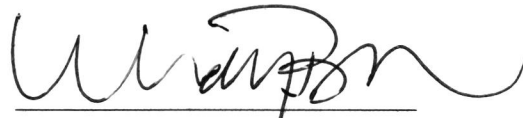
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1 16. The Court orders Plaintiff to file a report of disbursement on or before October
2 29, 2025.

3 **IT IS SO ORDERED.**

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5 Dated: 11/15, 2024



Hon. Wendy M. Behan
Judge of the Superior Court