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Attorneys for Plaintiff Roberto Mendez

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego

7/23/2024 10:09:17 AM

Clerk of the Superior Court
By A. Anzalone ,Deputy Clerk

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

ROBERTO MENDEZ *et al.*

Plaintiff,

vs.

DEPLOYED SERVICES, LLC *et al.*

Defendants.

Case No. 37-2023-00036201-CU-OE-CTL

Hon. Blaine K. Bowman
Dept. 74

CLASS ACTION

**Notice of Entry of Order Granting Final
Approval and Entering Judgment**

Action Filed: June 21, 2023

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE
2 TAKE NOTICE THAT:

3 1. On July 12, 2024, at 8:30 a.m. in this Department, the Court entered the Order and
4 Judgment granting final approval of the class, collective, and PAGA settlement and awarded attorneys'
5 fees and costs and entered judgment accordingly.

6 2. A copy of the Order and Judgment is attached as Exhibit 1.

7 3. The Judge confirmed the Court's Tentative Ruling attached hereto as Exhibit 2.

8 4. A conformed copy of this Notice will be submitted to the LWDA via its online
9 electronic portal in accordance with Labor Code § 2699(1)(3).

10 5. Notice of the Court's final ruling and entry of judgment is hereby provided.
11

12 Respectfully submitted,

13
14 Dated: July 23, 2024

Ferraro Vega Employment Lawyers, Inc.

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16 Nicholas J. Ferraro

17 Attorneys for Plaintiff Roberto Mendez
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Exhibit 1

FILED
San Diego Superior Court

JUL 12 2024

Clerk of the Superior Court
By: K. Mulligan, Deputy

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

ROBERTO MENDEZ, *et al.*

Plaintiff,

vs.

DEPLOYED SERVICES, LLC, *et al.*

Defendants.

Case No. 37-2023-00036201-CU-OE-CTL

Hon. Blaine K. Bowman
Dept. 74

CLASS ACTION

**[Proposed] Order Granting Final Approval of
Class, Collective, and PAGA Action Settlement
and Attorneys' Fees and Costs and Entering
Judgment**

Motion for Final Approval/Attorneys' Fees:

Date: July 12, 2024

Time: 8:30 a.m.

[Filed concurrently with Notice of Motion and
Motion for Final Approval of Class, Collective,
and PAGA Action Settlement, Memorandum of
Points and Authorities, Declaration of Nicholas J.
Ferraro, Declaration of Settlement Administrator,
and Declaration of Roberto Mendez]

Action Filed: August 21, 2023

**[Proposed] Order Granting Final Approval of Class, Collective, and PAGA Action Settlement
and Attorneys' Fees and Costs and Entering Judgment**

1 This matter came on for hearing on July 12, 2024 at 8:30 a.m. in Department 74 of the above-
2 captioned Court, the Honorable Blaine K. Bowman presiding, on (1) Plaintiff's Motion for Final
3 Approval of Class, Collective, and PAGA Action Settlement and (2) Plaintiff's Motion for Attorneys'
4 Fees and Costs.

5 Having received and considered the motions and supporting papers, including the Joint
6 Stipulation of Class, Collective, and PAGA Settlement ("Settlement"), the evidence and documents
7 received by the Court in connection with the Motions for Final Approval and Attorneys' Fees and
8 Costs, and the previously decided Motion for Preliminary Approval, the Court GRANTS FINAL
9 APPROVAL of the Settlement and ORDERS AND MAKES THE FOLLOWING
10 DETERMINATIONS:

11 1. Pursuant to the terms of the Settlement and the Order Granting Preliminary Approval,
12 and the Settlement, a notice was sent to each class and collective member by first-class U.S. mail. The
13 notice informed the class and collective of the terms of the Settlement, their right to receive a
14 settlement payment without any required action, their right to comment upon or object to the
15 Settlement, and their right to appear in person or by counsel at the Final Approval Hearing and to be
16 heard regarding approval of the Settlement. Adequate periods of time were provided for each of these
17 procedures.

18 2. Zero class members returned a written objection to the proposed Settlement as part of
19 the notice process or stated an intention to appear at the Final Approval Hearing and there were no
20 dissenting appearances from class members at the hearing. One class member requested exclusion
21 from the Settlement: Nathaly Nunez-Curiel. This "opt out" is affirmatively excluded from the class
22 settlement.

23 3. The Court finds and determines the notice procedure afforded adequate protections to
24 the class and collective and provides the basis for the Court's informed decision regarding approval of
25 the Settlement based on the response. The Court finds and determines the notice provided was the best
26 notice practicable, satisfying the requirements of law and due process.

27 4. For purposes of approving this Settlement only, this Court finds and concludes: (a) the
28 proposed class is ascertainable and so numerous that joinder of all members of the class is

1 impracticable; (b) there are questions of law or fact common to the proposed class, and there is a well-
2 defined community of interest among members of the class with respect to the subject matter of the
3 claims; (c) the claims of the representative are typical of the claims of the class; (d) the class
4 representative has and will fairly and adequately protect the interests of the class; (e) a class action is
5 superior to other available methods for an efficient adjudication of this controversy in the context of
6 settlement; and (f) the law firm of Ferraro Vega Employment Lawyers, Inc. is qualified and adequate
7 to serve as Class Counsel in this action.

8 5. The Court confirms certification, for settlement purposes only, of the class as defined in
9 the Settlement and approved at the preliminary approval stage.

10 6. The Court finds and determines the terms set forth in the Settlement are fair, reasonable,
11 and adequate and, having found the Settlement was reached as a result of informed and non-collusive
12 arms'-length negotiations facilitated by a neutral and experienced mediator, directs the Parties to
13 effectuate the Settlement according to its terms. The Court further finds the Parties conducted
14 extensive investigation, research, and informal discovery, and that their attorneys were able to
15 reasonably evaluate their respective positions. The Court also finds that Settlement will enable the
16 Parties to avoid additional and potentially substantial litigation costs, as well as delay and risks if the
17 Parties were to continue to litigate the case. The Court has reviewed the monetary recovery and
18 recognizes the significant value provided to the Class and Collective. Therefore, the Court approves
19 the Settlement and incorporates the terms of the Settlement in full into this Final Approval Order as
20 though fully set forth herein.

21 7. The Court finds the Settlement is a fair and reasonable resolution of a bona fide dispute
22 and therefore approves the collective action settlement pursuant to 29 U.S.C. § 216.

23 8. The Court finds and determines the fees and expenses in administering the Settlement
24 incurred by the Settlement Administrator of \$45,000 are fair and reasonable. The Court orders these
25 administration costs be paid in accordance with the terms of the Settlement.

26 9. The Court finds and determines the Service Award of \$10,000 to Plaintiff Mendez as
27 fair and reasonable. The Court orders the service awards be paid in accordance with the terms of the
28 Settlement.

1 10. The Court finds and determines payment to the California Labor and Workforce
2 Development Agency of \$30,000, as its 75% share of the civil penalties under the Private Attorneys
3 General Act is fair, reasonable, and appropriate. The Court orders that amount be paid in accordance
4 with the terms of the Settlement and approves the settlement of claims under the Private Attorneys
5 General Act pursuant to Labor Code § 2699(1)(2).

6 11. Pursuant to the terms of the Settlement and the statutory provisions authorizing
7 attorneys' fees under the California Labor Code and Code of Civil Procedure, as set forth in the Motion
8 for Attorneys' Fees, the Court awards Class Counsel attorneys' fees of \$757,983.33 and litigation costs
9 of \$16,149.66. Class Counsel has sufficiently explained the basis for the fee award based on a
10 percentage of the fund. The Court finds such amounts to be fair and reasonable. The Court orders the
11 Settlement Administrator to make these payments in accordance with the Settlement.

12 12. Without affecting the finality of this Order or the entry of judgment in any way, the
13 Court retains jurisdiction of all matters relating to the interpretation, administration, implementation,
14 and enforcement of this Order and the Settlement.

15 13. Nothing in this Order shall preclude any action to enforce the Parties' obligations under
16 the Settlement or under this Order, including the requirement that Defendant make payments to Class,
17 Collective, and PAGA Members in accordance with the Settlement.

18 14. The Court hereby ENTERS FINAL JUDGMENT in accordance with the terms of the
19 Settlement, in accordance with this Final Approval Order and Judgment.

20 15. The Parties shall comply with Cal. Rules of Court Rule 3.771(b), by filing a Notice of
21 Entry of Judgment with the Court.

22
23 **IT IS SO ORDERED.**

24
25 Date: 7-12-24


The Honorable Blaine K. Bowman
Judge of the Superior Court

Exhibit 2

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO
CENTRAL COURTHOUSE
TENTATIVE RULINGS - July 11, 2024

HEARING DATE: 07/12/24 HEARING TIME: 8:30AM DEPT.: C-74

JUDICIAL OFFICER: BOWMAN, BLAINE K.

CASE NO.:37-2023-00036201-CU-OE-CTL

CASE TITLE: Mendez vs Deployed Services LLC [IMAGED]

CASE TYPE: (U)Other Employment

HEARING TYPE: Motion Hearing

Plaintiff's motion for final approval of class, collective and Private Attorneys General Act (PAGA) settlement and motion for attorney's fees and costs are GRANTED. Applying the factors set forth in *Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4th 1796, the court finds Plaintiff meets Plaintiff's burden of showing that the settlement, in the gross monetary amount of \$2,273,950.00 is fair, adequate and reasonable. See also, *Wershba v. Apple Computer, Inc.* (2001) 91 Cal.App.4th 224. The court finds the service award requested reasonable and approves Plaintiff's request for a class representative service award in the amount of \$10,000.00. The court finds an award of attorney's fees of \$757,983.33 proper under the percentage of common fund and lodestar cross-check analysis of *Laffitte v. Robert Half Intern. Inc.* (2016) 1 Cal.5th 480 and the authorities cited therein. The court finds costs of \$16,149.66 reasonable. See, *Serrano v. Priest* (1977) 20 Cal.3d 25. The court awards Plaintiff attorney's fees of \$757,983.33 and costs of \$16,149.66. The court finds administrative costs of \$45,000.00 reasonable and approves claims administration costs in this amount. The court approves the Private Attorney General Act (PAGA) settlement amount of \$40,000.00 for Plaintiff's PAGA claims (\$30,000.00 to be paid to the California Labor and Workforce Development Agency and \$10,000.00 to be distributed to the Aggrieved Employees).

The court signs Plaintiff's proposed order and judgment.

Unless the ruling(s) above indicate that an appearance is necessary, parties who wish to submit, who are satisfied with the above tentative ruling(s), and/or who do not otherwise wish to argue the motion(s) are encouraged to give notice to the Court and each other of their intention not to appear.