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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF RIVERSIDE**

DANIELLE SIMPSON, on behalf of the State of
California and other aggrieved persons,

Plaintiff,

v.

ARCOS DE ORO, INC. dba MCDONALD'S, a
California corporation; and DOES 1 through 10,
inclusive,

Defendant.

Case No.: CVRI2303337 (Lead)
Case No.: CVRI2303691

*Assigned for all purposes to:
Hon. Harold W. Hopp
Dept. 1*

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

Date: April 15, 2025
Time: 8:30 a.m.
Dept.: 1

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

APR 15 2025

E. Escobedo

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APR 18 2025

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

1 This matter came on for hearing on April 15, 2025, at 8:30 a.m., in Department 1 of the
2 above-referenced Court on the Motion for Final Approval of Class Action and PAGA Settlement
3 pursuant to California Rules of Court, Rule 3.769, this Court's Order Granting Preliminary
4 Approval filed November 6, 2024, and the Class Action and PAGA Settlement Agreement
5 ("Settlement"), a copy of which was attached as Exhibit 1 to the Declaration of John G. Yslas
6 in Support of Plaintiff's Motion for Preliminary Approval of Class Action Settlement.

7 Having received and considered the Settlement, the supporting papers filed by the
8 Parties, and the evidence and argument in conjunction with the Motion for Preliminary Approval
9 of Class Action Settlement granted November 6, 2024, and the instant Motion for Final
10 Approval of Class Action and PAGA Settlement, the Court grants final approval of the
11 Settlement and HEREBY ORDERS AND MAKES THE FOLLOWING DETERMINATIONS:

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

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

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

1 subject matter of the action; (c) the claims of Class Representative Danielle Simpson are typical
2 of the claims of the Class Members; (d) the Class Representative has fairly and adequately
3 protected the interests of the Class; (e) a class action is superior to other available methods for
4 an efficient adjudication of this controversy; and (f) counsel of record for the Class
5 Representative are qualified to serve as Class Counsel.

6 4. The Court has certified a Class for settlement purposes only, defined as all current
7 and former hourly-paid or non-exempt employees of Defendant in California, employed
8 between July 19, 2019, through August 21, 2024, who do not timely opt-out of the Settlement
9 (or if any such person is incompetent, deceased, or unavailable due to military service, the
10 person's legal representative or successor in interest evidenced by reasonable verification). The
11 Court deems this definition sufficient for purposes of California Rules of Court, Rule 3.765(a).

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

14 6. The Court hereby confirms Plaintiff Danielle Simpson as the Class
15 Representative.

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

26 8. The Court hereby approves the Gross Settlement Amount of \$2,838,030.00.

27 9. The Court finds and determines that the Individual Settlement Payments to be
28 paid to Participating Class Members as provided for by the Settlement are fair and reasonable.

1 The Court hereby gives final approval to and orders the payment of those amounts to be made
2 to the Participating Class Members in accordance with the Settlement.

- 3 a. Any envelope transmitting Individual Settlement Payments to a Class Member
4 shall bear the notation, "YOUR CLASS ACTION SETTLEMENT CHECK IS
5 ENCLOSED;"
- 6 b. Individual Settlement Payments shall be negotiable for 180 days from the date
7 of mailing;
- 8 c. The Administrator shall mail a reminder postcard to any Class Member whose
9 Individual Settlement Payment check has not been negotiated within 60 days
10 after the date of mailing; and
- 11 d. If (i) any of the Class Members are current employees of Defendant, (ii) the
12 the Individual Settlement Payment mailed to those employees is returned to
13 the Administrator as being undeliverable, and (iii) the Administrator is unable
14 to locate a valid mailing address, the Administrator shall arrange with the
15 Defendant to have those checks delivered to the employees at their place of
16 employment.

17 10. The Court finds and determines that payment of \$150,000.00 in civil penalties
18 under PAGA is fair, reasonable, and appropriate. The Labor and Workforce Development
19 Agency will receive 75% (\$112,500.00), and the remaining 25% (\$37,50.00) will be distributed
20 to Aggrieved Employees (defined as any current or former hourly-paid or non-exempt employee
21 who worked for Defendant in California during the PAGA Period of June 6, 2022, to August
22 21, 2024 (or if any such person is incompetent, deceased, or unavailable due to military service,
23 the person's legal representative or successor in interest evidenced by reasonable verification)).
24 The Court hereby grants final approval to and orders the payment of that amount in accordance
25 with the Settlement.

26 11. The Court finds and determines that the fees and expenses in administering the
27 Settlement incurred by Phoenix Settlement Administrators ("Phoenix") in the amount of
28 \$23,250.00 are fair and reasonable. The Court hereby grants final approval to and orders the

1 payment of that amount in accordance with the Settlement.

2 12. The Court finds and determines that the Class Representative Service Payment of
3 \$10,000.00 to Plaintiff Danielle Simpson is fair and reasonable. The Court hereby grants final
4 approval to and orders the payment of that amount in accordance with the Settlement.

5 13. Pursuant to the terms of the Settlement, and the authorities, evidence, and
6 argument submitted by Class Counsel, the Court hereby awards Class Counsel attorneys' fees
7 in the amount of \$936,549.90 and litigation costs in the amount of \$19,443.44. The Court hereby
8 grants final approval to and orders the payment of those amounts in accordance with the
9 Settlement.

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

13 15. Defendant Arcos de Oro, Inc. shall not have any further liability for costs,
14 expenses, interest, attorneys' fees, or for any other charge, expense, or liability, except as
15 provided for by the Settlement.

16 16. Neither the making of this Settlement nor the entry into the Settlement constitutes
17 an admission by Defendant Arcos de Oro, Inc., nor is this order a finding of the validity of any
18 claims in this case or of any other wrongdoing. Further, the Settlement is not a concession and
19 shall not be used as an admission of any wrongdoing, fault, or omission of any entity or persons,
20 nor may any action taken to carry out the terms of the Settlement be construed as an admission
21 or concession by or against Defendant Arcos de Oro, Inc..

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

24 18. Upon completion of administration of the Settlement, the Settlement
25 Administrator will provide written certification of such completion to the Court, which shall be
26 filed with the Court seven days before the non-appearance compliance hearing set for **January**
27 **29, 2026 at 8:30 a.m.**

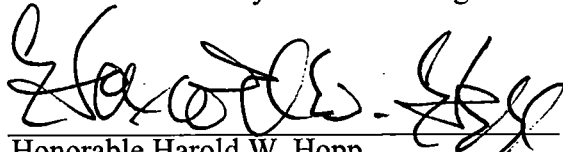
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1 19. The Court hereby enters final judgment in accordance with the terms of the
2 Settlement, the Order Granting Plaintiff's Motion for Preliminary Approval of Class Action
3 Settlement, and this Order.

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

6
7 Dated:

April 15, 2025


Honorable Harold W. Hopp
JUDGE OF THE SUPERIOR COURT