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FILED
Superior Court of California
County of Los Angeles

NOV 20 2025

David W. Slayton, Executive Officer/Clerk of Court
By: E. Munoz, Deputy

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

10 KENNETH NESMITH, on behalf of himself
and other similarly situated employees in the
11 State of California,

12 Plaintiff,

13 v.

14 RCS SAFETY, LLC., DBA ROADWAY
CONSTRUCTION SERVICE, and DOES 1
15 through 50 inclusive,

16 Defendant.

Case No.: 23STCV18913

*[Assigned for All Purposes to the Hon. William F.
Highberger, Dept. 10]*

**~~PROPOSED~~ ORDER GRANTING
PLAINTIFF KENNETH NESMITH'S
MOTION FOR FINAL APPROVAL OF
CLASS ACTION AND PAGA SETTLEMENT**

Date: November 20, 2025
Time: 1:30 p.m.
Dept: 10
Judge: Hon. William F. Highberger

Amended Complaint Filed: October 2, 2023
Complaint Filed: August 9, 2023
Trial Date: None set

1 This matter, having come before the Honorable William F. Highberger in Department 10 of the
2 Superior Court of the State of California for the County of Los Angeles on November 20, 2025, at
3 1:30 p.m., for the motion by Plaintiff Kenneth Nesmith ("Plaintiff") for Final Approval of Class Action
4 and PAGA Settlement ("Motion for Final Approval") pursuant to California Rules of Court, Rule 3.769
5 and Labor Code section 2698 *et seq.*:

6 On August 27, 2025, this Court granted Plaintiff's Motion for (1) Preliminary Approval of Class
7 Action and PAGA Settlement, (2) Provisional Certification of the Settlement Class, (3) Approval of the
8 Class Notice and Notice Plan, (4) Appointment of Class Counsel and Class Representative,
9 (5) Appointment of Settlement Administrator, and (6) Setting a Final Approval Hearing and entered an
10 Order in accordance therewith.

11 Having duly considered the Settlement and all other papers, evidence, and oral arguments in this
12 matter to date, including Plaintiff's Motion for Final Approval, and good cause appearing, the Court grants
13 final approval of the Settlement, enters this Final Approval Order, and ORDERS as follows:

14 1. This Order shall incorporate the Parties' Class Action and PAGA Settlement Agreement
15 and Class Notice ("Settlement" or "Settlement Agreement") and to the extent that the terms are defined
16 in the Settlement Agreement, all defined terms contained herein shall have the same meaning as set forth
17 in the Settlement Agreement. A true and correct copy of the Settlement Agreement is attached as Exhibit 2
18 to the Declaration of Hali M. Anderson in support of Plaintiff's Motion for Final Approval of Class Action
19 and PAGA Settlement and is incorporated herein.

20 2. This Court has jurisdiction over the claims asserted in this action and personal jurisdiction
21 over Plaintiff, Defendant, the Class Members, and the Aggrieved Employees, as defined in the Settlement
22 Agreement.

23 3. This Court finds that the applicable requirements of the California Code of Civil Procedure
24 section 382 and California Rule of Court 3.769, have been satisfied with respect to the Settlement Class
25 Members and the Settlement, and further finds that the Settlement Class has at all times been adequately
26 represented by Plaintiff and Class Counsel. The Court makes final its earlier provisional certification of
27 the following settlement class for the purposes of settlement only: All persons employed by Defendant in
28

13. It is ORDERED that Settlement Class Members shall be prohibited and permanently enjoined from pursuing in any fashion the Released Class Claims against the Defendant Releasees.

14. Defendant is ORDERED to fund the Gross Settlement Amount of \$1,100,000.00 in installments in accordance with the Settlement Agreement. Defendant is ORDERED to fund the Gross Settlement Amount with an initial payment of 50% of the Gross Settlement Amount (\$550,000.00) within 45 days of the Effective Date which means the date when both of the following have occurred: (a) the Court enters a Judgment on its Order Granting Final Approval of the Settlement; and (b) the Judgment is final. Thereafter, Defendant is ORDERED to pay the remaining amount in quarterly installments of 25% with the first installment commencing one quarter after the initial payment and the remaining amount (25%) one calendar quarter thereafter.

15. Apex Class Action, LLC, the Administrator, is ORDERED to distribute the Settlement funds in accordance with the terms of the Settlement Agreement.

16. Apex Class Action, LLC, the Administrator, is ORDERED to post this Order on its website as outlined in the Settlement Agreement.

17. In accordance with Labor Code section 2699(1)(2), the Court has reviewed the Settlement Agreement as it relates to the allocation of civil penalties under the PAGA. The Court finds that the allocation of \$25,000.00 in civil penalties for claims under the PAGA is fair, reasonable, and appropriate. The Court GRANTS approval of the \$25,000.00 allocation towards claims under the PAGA. The Court ORDERS that \$16,250 (65% of \$25,000.00) be paid to the California Labor and Workforce Development Agency ("LWDA"), as required by the statute. The Court ORDERS that \$8,750.00 (35% of \$25,000.00) be allocated to the Aggrieved Employees based on the number of workweeks each member of the Aggrieved Employees worked during the PAGA Period. The Court further finds that Plaintiff fully complied with California Labor Code sections 2699.3 and 2699(1). The Court hereby approves this Settlement of PAGA claims pursuant to California Labor Code sections 2699(1)(2). Accordingly, the LWDA shall be bound by the release(s) of PAGA claims set forth in the Settlement. In addition, all Aggrieved Employees attempting to stand in the shoes of the LWDA and/or the State of California and other purported "aggrieved employees" under the PAGA, or attempting to recover penalties from a PAGA action filed by another purported "aggrieved employee," shall be bound by the release(s) of PAGA claims

1 set forth in the Settlement and shall be barred from prosecuting and/or participating in such PAGA action
2 and/or PAGA recovery, regardless of whether they submitted a request for exclusion from the Settlement.

3 18. The Court ORDERS that the amount of the Net Settlement Amount be distributed to
4 Settlement Class Members based on each Settlement Class Member's number of workweeks worked
5 during the Class Period, as described in the Settlement Agreement.

6 19. The Court finds that the requested Class Representative Service Payment of \$7,500.00 to
7 named Plaintiff Kenneth Nesmith is fair and reasonable for the work performed and the risks associated
8 with bringing this Action. The Court awards and thus ORDERS that the Administrator issue a Class
9 Representative Service Payment to Plaintiff in the amount of \$7,500.00. The Service Payment is in
10 addition to Plaintiff's respective Individual Class Payment and/or Individual PAGA Payment under the
11 Settlement.

12 20. The Court finds that Class Counsel's request for attorneys' fees in the amount of
13 \$366,630.00 falls within the range of reasonableness and the result achieved justifies the award sought.
14 The Court awards and therefore ORDERS the Administrator to issue attorneys' fees in the amount of
15 \$366,630.00 to ARCH Legal, P.C.

16 21. The Court finds that Class Counsel's request for litigation costs incurred in the amount of
17 \$21,068.95 falls within the range of reasonableness and the result achieved justifies the award sought. The
18 Court awards and thus ORDERS that the Administrator issue payment for litigation costs incurred in the
19 amount of \$21,068.95 to ARCH Legal, P.C.

20 22. The Court finds that the request for settlement administration costs in the amount of
21 \$8,500.00 is fair, reasonable, and appropriate. The Court awards and thus ORDERS that the Administrator
22 issue payment for the Administration Expenses Payment to Apex Class Action, LLC in the amount of
23 \$8,500.00.

24 23. Plaintiff's Motion for Final Approval is GRANTED.

25 24. A compliance hearing shall be held on 1/26/27 at 9 a.m. ~~1/27~~

26 in Department 10 of the above-entitled court. Class Counsel shall submit a compliance hearing statement
27 five court days prior to the compliance hearing.

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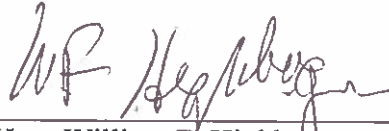
1 25. Pursuant to Rule 3.769, subdivision (h), of the California Rules of Court, this Court retains
2 exclusive and continuing jurisdiction over this action and the parties for the purposes of: (a) supervising
3 the implementation, enforcement, construction, and interpretation of the Settlement Agreement, and the
4 Order of Final Approval and Judgment; and (b) supervising distribution of amounts paid under this
5 Settlement.

6 26. Pursuant to the Settlement, the Parties are hereby authorized, without needing further
7 approval from the Court, to agree to and adopt such amendments to, and modifications and expansions of,
8 the Settlement, as are in writing and signed by the Parties' counsel and are consistent with this Order.

9 **IT IS SO ORDERED.**

10
11 Dated: _____

11/20/25



Hon. William F. Highberger
Judge of the Superior Court