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Attorneys for Plaintiff

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

CHRISTIAN WHITAKER, individually, and
on behalf of other members of the general
public similarly situated;

Plaintiff,

v.

OREQ CORPORATION, a California
corporation; and DOES 1 through 100,
inclusive;

Defendants.

Case No.: CVRI2303588

Assigned for All Purposes to:
Honorable Harold W. Hopp
Department 1

CLASS ACTION

**[PROPOSED] ORDER OF FINAL
APPROVAL AND JUDGMENT**

Hearing Date: April 4, 2025
Hearing Time: 8:30 a.m.
Hearing Place: Department 1

Complaint Filed: July 13, 2023
FAC Filed: December 13, 2023
SAC Filed: May 6, 2024
TAC Filed: June 4, 2024
Trial Date: None Set

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

APR 04 2025

E. Escobedo

CAJ

APR 07 2025

CAJ

1 On April 4, 2025 at 8:30 a.m., Plaintiff Christian Whitaker's ("Plaintiff") Motion for
2 Final Approval of Class Action Settlement, Attorneys' Fees and Costs, and Class Representative
3 Enhancement Payment came before the Court in Department 1 for a hearing pursuant to the
4 Order Granting Preliminary Approval of the Class Action Settlement ("Preliminary Approval
5 Order"). The Motion for Final Approval of Class Action Settlement, Attorneys' Fees and Costs,
6 and Class Representative Enhancement Payment is based on the Joint Stipulation and Settlement
7 Agreement ("Settlement Agreement," "Settlement," or "Agreement") attached as **Exhibit 1** to
8 the Declaration of Douglas Han in Support of Motion for Preliminary Approval of Class Action
9 Settlement that was filed on September 4, 2024. Since full and adequate notice was given to the
10 Class as required in the Preliminary Approval Order, and the Court considered all the papers
11 filed and proceedings held herein, it is ORDERED, ADJUDGED, AND DECREED THAT:

12 1. This Court has jurisdiction over the subject matter of this lawsuit and over
13 all Parties to this lawsuit, including all the Class Members.

14 2. The Court preliminarily certified this case as a class action under Code of
15 Civil Procedure section 382 pursuant to the motion for preliminary approval of the class action
16 settlement for settlement purposes only. The Class is defined as all current and former hourly-
17 paid or non-exempt employees employed by Defendant OREQ Corporation ("Defendant")
18 within the State of California at any time from July 13, 2019, through July 11, 2024 ("Class,"
19 "Class Members," and "Class Period"). The "Class Members" shall not include any person who
20 submitted a timely and valid Request for Exclusion Form.

21 3. The certified Class continues to meet all the requirements of Code of Civil
22 Procedure section 382 and for the reasons set forth in the Court's Preliminary Approval Order.

23 4. Plaintiff is the Court-appointed class representative.

24 5. Justice Law Corporation is the Court-appointed Class Counsel.

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1 6. The operative complaints allege that Defendant: (a) failed to pay overtime
2 wages; (b) failed to pay meal period premiums; (c) failed to pay rest period premiums; (d) failed
3 to pay minimum wages; (e) failed to pay final wages in a timely manner; (f) failed to provide
4 compliant wage statements; (g) failed to reimburse business expenses; (h) violated Labor Code
5 section 2698 (Private Attorneys General Act of 2004 ("PAGA")); and (i) violated Business &
6 Professions Code section 17200.

7 7. The motion for final approval is granted. The Court approves the
8 settlement as fair, reasonable, and adequate. The Court approves the following payments:

- 9 a. \$131,250 to Class Counsel as the attorneys' fees;
- 10 b. \$13,506.61 to Class Counsel as the attorneys' costs;
- 11 c. \$10,000 to Plaintiff as the Class Representative Enhancement Payment;
- 12 d. \$6,287.25 to the Settlement Administrator as the Settlement
13 Administration Costs; and
- 14 e. \$30,000 as the PAGA Payment, seventy-five percent (75%) of which
15 (\$22,500) will be paid to the California Labor and Workforce
16 Development Agency ("LWDA") and twenty-five percent (25%) of which
17 (\$7,500) will be paid to the Eligible Aggrieved Employees.

18 8. Except for the payment due under the Agreement, the Parties are each to
19 bear their own costs and attorneys' fees.

20 9. The Settlement Administrator is providing settlement administration
21 services for this settlement. The Settlement Administrator received no disputes, no objections,
22 and no requests for exclusion. The Court finds that the notice provided to the Class Members
23 conforms to due process requirements.

24 10. Defendant agreed to settle for the non-reversionary sum of \$375,000.
25 Defendant will have no obligation to pay any amount in connection with the Settlement apart
26 from the Maximum Settlement Amount and employer's share of payroll taxes due on the portion
27 of Individual Settlement Payments allocated to wages. According to the Settlement
28 Administrator's calculations, the gross *average* Individual Settlement Payment will be

1 approximately \$1,755.63, gross *highest* Individual Settlement Payment will be about \$6,011.38,
2 and gross *lowest* Individual Settlement Payment will be around \$24.48.

3 11. Class Counsel's investigation included discovery, reviewing relevant
4 documents, and sampling of time and pay records, and forming a damage model based on all of
5 these. The Parties mediated this case with a respected and experienced mediator in wage-and-
6 hour class actions. In connection with mediation and through discussions with Defense Counsel,
7 Class Counsel also discussed all aspects of the case, including the risks of further litigation and
8 proceeding with a motion for class certification to both Parties.

9 12. Class Counsel seek attorneys' fees of \$131,250. Class Counsel indicate
10 that they invested 324.8 hours in this matter. The base lodestar fees calculation for Class Counsel
11 is \$246,170, resulting in a negative multiplier of 0.53 under a lodestar cross-check. Class
12 Counsel's hourly rates appear to be reasonable for attorneys with their years of experience, and
13 the hours spent on this matter are also reasonable. Because the attorneys' fees are based on a
14 reasonable percentage of the settlement fund, are supported by the lodestar calculation, and no
15 objections were received, the Court grants final approval of the attorneys' fees of \$131,250.

16 13. Class Counsel seek attorneys' costs of up to \$20,000. Class Counsel's
17 actual costs and expenses incurred total \$13,506.61, which appear reasonable and necessary to
18 the successful litigation of this matter. Furthermore, the maximum attorneys' costs sought were
19 disclosed to the Class Members, and no objections were received. For these reasons, the Court
20 grants final approval of the attorneys' costs of \$13,506.61.

21 14. Class Counsel seek a Class Representative Enhancement Payment of
22 \$10,000 to Plaintiff. Plaintiff devoted several hours to this litigation, which played an integral
23 role in allowing this matter to settle. Plaintiff assisted Class Counsel by participating in multiple
24 conferences with Class Counsel, gathering and reviewing documents produced with Class
25 Counsel, providing the names and contact information of putative class members, and providing
26 pertinent documents and information to Class Counsel. Plaintiff also helped Class Counsel
27 prepare for mediation and made himself available by telephone during mediation. Furthermore,
28 Plaintiff took the time to review and approve the Settlement Agreement (and exhibits) before

1 signing it. No objections were received regarding the Class Representative Enhancement
2 Payment. For these reasons, the Court grants final approval of the Class Representative
3 Enhancement Payment of \$10,000 to Plaintiff.

4 15. The Settlement Administrator requests Settlement Administration Costs of
5 \$6,287.25. Based upon the work performed and yet to be performed, including the fact that the
6 Class was provided notice of the Settlement Administration Costs, and no objections were
7 received, the Court grants final approval of the Settlement Administration Costs of \$6,287.25.

8 16. The Court grants final approval of the PAGA Payment of \$30,000,
9 seventy-five percent (75%) of which (\$22,500) will be paid to the LWDA and twenty-five
10 percent (25%) of which (\$7,500) will be paid to the Eligible Aggrieved Employees.

11 17. The Settlement Administrator is directed to mail the Individual Settlement
12 Payments in envelopes bearing the notation, "YOUR CLASS ACTION SETTLEMENT CHECK
13 IS ENCLOSED" and to take all actions in furtherance of the settlement administration.

14 18. The Class Members will receive checks for their Individual Settlement
15 Payments and Individual PAGA Payments. Checks will remain negotiable for one hundred
16 eighty (180) calendar days. Any check not cashed within one hundred eighty (180) calendar days
17 will be void. The funds from the uncashed checks shall be distributed by the Settlement
18 Administrator to the State Controller's Unclaimed Property Fund to be held in the Class
19 Members' name.

20 19. The Settlement Administrator will mail reminder postcards to any Class
21 Member whose settlement check has not been negotiated within sixty (60) days after its mailing.

22 20. If any of the Class Members are current employees of Defendant, the
23 distribution mailed to those employees is returned to the Settlement Administrator as being
24 undeliverable, and the Settlement Administrator is unable to locate a valid mailing address, the
25 Settlement Administrator shall arrange with Defendant to have those distributions delivered to
26 the employees at their place of employment.

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1 21. Once the Court grants this Order of Final Approval and Judgment, the
2 Settlement Administrator will mail a notice of entry of judgment to the Class Members alongside
3 their settlement checks via regular First-Class U.S. Mail. The notice of entry of judgment will
4 state, "The Superior Court of California, County of Riverside, granted final approval of the
5 *Whitaker v. OREQ Corporation* matter, Case Number CVRI2303588, on April 4, 2025. As a
6 result, the Settlement Administrator has enclosed your settlement check alongside this notice of
7 entry of judgment."

8 22. All Parties, including each and all the Class Members, are bound by the
9 Settlement Agreement and Order of Final Approval and Judgment. All the Class Members shall
10 be deemed to have entered the Settlement Agreement.

11 23. Without affecting the finality of this Order of Final Approval and
12 Judgment, the Court shall retain continuing jurisdiction over this lawsuit and Parties, including
13 all the Class Members and all matters pertaining to the implementation and enforcement of the
14 terms of the Settlement. Except as provided to the contrary herein, any disputes or controversies
15 arising with respect to interpretation, enforcement, or implementation of the Settlement shall be
16 presented by motion to the Court for resolution.

17 24. A Final Report (Nonappearance) Hearing is scheduled for December 5,
18 2025 before this same court and department. At least five (5) court days before this hearing,
19 Plaintiff shall file a report (declaration) along with a proposed amended judgment containing the
20 following information: (a) date the checks were mailed; (b) total number of checks mailed to the
21 Class Members; (c) average amount of those checks; (d) number of checks that remain uncashed;
22 (e) total value of those uncashed checks; (f) average amount of the uncashed checks; and (g)
23 nature and date of the disposition of those unclaimed funds.

24 25. This Order of Final Approval and Judgment is intended to be a final
25 disposition of the above-captioned action in its entirety and is intended to be immediately
26 appealable. Subject to the Court's continuing jurisdiction, the Court directs the Clerk of the
27 Court to enter Order of Final Approval and Judgment.

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26. There is no reason for any delay in the entry of this Order of Final Approval and Judgment approving the Settlement. Immediate entry of this Order of Final Approval and Judgment approving the Settlement by the Court is expressly directed.

IT IS SO ORDERED.

DATED:

April 4, 2015



HONORABLE HAROLD W. HOPP
SUPERIOR COURT JUDGE

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PROOF OF SERVICE
1013A(3) CCP

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 751 N. Fair Oaks Avenue, Suite 101, Pasadena, California 91103 and my electronic service address is shanneyan@justicelawcorp.com

On April 9, 2025, I served the foregoing document described as

ORDER OF FINAL APPROVAL AND JUDGMENT

for the following case: **Christian Whitaker v. OREQ Corporation**
LWDA/Court Case No.: **LWDA Case No.: CM-968042-23**
Court Case No.: CVRI2303588
Riverside County Superior Court

on interested parties in this action by electronically submitting as follows:

State of California
Labor & Workforce Development Agency
800 Capitol Mall, MIC-55
Sacramento, California 95814

[X] BY ELECTRONIC SUBMISSION

Pursuant to California Senate Bill No. 836, I caused the documents described above to be electronically submitted by and through the procedure stated on the website of the State of California Labor and Workforce Development Agency.

[X] STATE

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 9, 2025, at Pasadena, California.



Sophia Hanneyan