

LIDMAN LAW, APC
Scott M. Lidman (SBN 199433)
slidman@lidmanlaw.com
Milan Moore (SBN 308095)
mmoore@lidmanlaw.com
Tiara Gose-Hardy (SBN 323823)
tgose@lidmanlaw.com
2155 Campus Drive, Suite 150
El Segundo, California 90245
Tel: (424) 322-4772
Fax: (424) 322-4775

Attorneys for Plaintiff
ANA RODRIGUEZ TAPIA

HAINES LAW GROUP, APC
Paul K. Haines (SBN 248226)
phaines@haineslawgroup.com
2155 Campus Drive, Suite 180
El Segundo, California 90245
Tel: (424) 292-2350
Fax: (424) 292-2355

Attorneys for Plaintiff
ANA RODRIGUEZ TAPIA

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

ANA RODRIGUEZ TAPIA, as an individual
and on behalf of all others similarly situated,

Plaintiff,

vs.

FRANCO WHOLE FOODS, LLC, a
California limited liability company; and
DOES 1 through 100, inclusive,

Defendants.

Case No. 37-2023-00046908-CU-OE-CTL

*[Assigned for all purposes to the Hon.
Gregory W. Pollack, Dept. C-71]*

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S MOTION FOR FINAL
APPROVAL OF CLASS ACTION
SETTLEMENT, CLASS
REPRESENTATIVE'S SERVICE
PAYMENT, AND ATTORNEYS' FEES AND
COSTS**

Date: October 10, 2025
Time: 9:30 a.m.
Dept.: C-71

Action Filed: October 27, 2023

1 This matter came on regularly for hearing before this Court on October 10, 2025,
2 pursuant to California Rule of Court 3.769 and this Court's May 23, 2025 Order Granting
3 Preliminary Approval of Class Action Settlement ("Preliminary Approval Order"). Having
4 considered the parties' Stipulation of Settlement ("Settlement") and the documents and evidence
5 presented in support thereof, and recognizing the sharply disputed factual and legal issues
6 involved in this case, the risks of further prosecution and the substantial benefits to be received
7 by the Settlement Class pursuant to the Settlement, the Court hereby makes a final ruling that
8 the proposed Settlement is fair, reasonable, and adequate, and is the product of good faith, arm's-
9 length negotiations between the parties. Good cause appearing therefor, the Court hereby
10 GRANTS Plaintiff's Motion for Final Approval of Class Action Settlement and ORDERS as
11 follows:

12 1. The conditional class certification contained in the Preliminary Approval Order is
13 hereby made final, and the Court thus certifies, for purposes of the Settlement only, a Settlement
14 Class¹ consisting of:

15 All current and former non-exempt direct-hire and non-direct hire
16 employees of Defendant Franco Whole Foods, LLC who worked in the
State of California during the Class Period.

17 The Class Period shall mean the time period of October 27, 2019 through
18 March 11, 2025.

19 2. Plaintiff Ana Rodriguez Tapia is hereby confirmed as Class Representative, and
20 Scott M. Lidman, Milan Moore, and Tiara Gose-Hardy of Lidman Law, APC and Paul K. Haines
21 of Haines Law Group, APC are hereby confirmed as Class Counsel.

22 3. Notice was provided to the Settlement Class as set forth in the Settlement. The
23 form and manner of notice were approved by the Court on May 23, 2025 and the notice process
24 has been completed in conformity with the Court's Order. The Court finds that said notice was
25 the best notice practicable under the circumstances. The Class Notice provided due and adequate

26
27 ¹ Unless otherwise indicated, all terms used in this Order shall have the same meaning as that assigned to them in the
Settlement.

notice of the proceedings and matters set forth therein, informed Settlement Class members of their rights, and fully satisfied the requirements of California Code of Civil Procedure § 1781(e), California Rule of Court 3.769, and due process.

4. The Court finds that none of the 201 Settlement Class Members who received the Notice objected to the Settlement and no Settlement Class Member has opted out of the Settlement, and that the 100 % participation rate in the Settlement supports final approval.

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

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

7. The Court finds that given the absence of objections to the Settlement, and objections being a prerequisite to appeal, that this Order shall be considered final as of the date of notice of entry.

8. The Court orders that Defendant shall fully fund the Gross Settlement Amount, and also fund the amounts necessary to fully pay Defendant's share of payroll taxes by transmitting the funds to the Administrator as follows: The payment of \$330,000.00, including all amounts necessary to fully pay Defendant's share of payroll taxes, shall be deposited with the Administrator no later than 30 days after the Effective Date. "Effective Date" means the later of: (a) the Court's final approval of the settlement if no objections by or on behalf of Class

Members have been filed; (b) the time for appeal has expired if an objection has been filed and no appeal has been filed or withdrawn; or (c) the final resolution of any appeal that has been filed.

9. Any settlement funds that remain uncashed after 180 calendar days after they are mailed shall be delivered to the California State Controller's Office – Unclaimed Property Fund in the name of the Settlement Class member.

10. The Court finds that the settlement payments, as provided for in the Settlement, are fair, reasonable, and adequate, and orders the Settlement Administrator to distribute the individual payments in conformity with the terms of the Settlement.

11. The Court finds that a service payment in the amount of \$7,500.00 for Plaintiff Ana Rodriguez Tapia is appropriate for her risks undertaken and service to the Settlement Class. The Court finds that this award is fair, reasonable, and adequate, and orders that the Settlement Administrator make this payment in conformity with the terms of the Settlement.

12. The Court finds that attorneys' fees in the amount of \$110,000.00, and actual litigation costs of \$9,292.30 for Class Counsel, are fair, reasonable, and adequate, and orders that the Settlement Administrator distribute these payments to Class Counsel in conformity with the terms of the Settlement.

13. The Court orders that the Settlement Administrator shall be paid \$7,950.00 from the Gross Settlement Amount for all of its work done and to be done until the completion of this matter, and finds that sum appropriate.

14. The Court finds that the payment to the California Labor & Workforce Development Agency ("LWDA") in the amount of \$22,500.00 for its 75 % share of the \$30,000.00 settlement of Plaintiff's representative action under the California Labor Code Private Attorneys General Act ("PAGA") is fair, reasonable, and adequate, and orders the Settlement Administrator to distribute this payment to the LWDA in conformity with the terms of the Settlement. The remaining 25 % or \$7,500.00 of the PAGA Amount is to be distributed to the 164 Aggrieved Employees in conformity with the terms of the Settlement. The highest

Individual PAGA Payment to an Aggrieved Employee is \$89.66, and the average Individual PAGA Payment to be paid is \$45.73.

15. After the above deductions, attorneys' fees (\$110,000.00), attorneys' litigation costs (\$9,292.30), incentive payment to Plaintiff (\$7,500.00), Settlement Administrator costs (\$7,950.00), and the PAGA Amount (\$30,000.00), the Net Settlement Amount of \$165,257.70 is to be distributed to 200 Settlement Class Members, who worked a total of 15,359 Workweeks during the Class Period, in conformity with the terms of the Settlement. The lowest Individual Settlement Share to be paid to a Settlement Class member is \$0.64, the highest Individual Settlement Share is \$2,550.62, and the average Individual Settlement Share to be paid is \$779.52.

16. Pursuant to the terms of the Settlement, the employer's share of payroll taxes for the portion of the Net Settlement Amount allocated to wages shall be paid by Defendant separately, and in addition to, the Gross Settlement Amount.

17. The Court finds and determines that upon satisfaction of all obligations under the Settlement and this Order, all Settlement Class members will be bound by the Settlement, will have released the Released Claims as set forth in the Settlement, and will be permanently barred from prosecuting against Defendant any of the Released Claims pursuant to the Settlement.

18. The Settlement is not an admission by Defendant nor is this Order a finding of the validity of any allegations or of any wrongdoing by Defendant. Neither this Order, the Settlement, nor any document referred to herein, nor any action taken to carry out the Settlement, shall be construed or deemed an admission of liability, culpability, or wrongdoing on the part of Defendant.

18. The Court will retain jurisdiction to enforce the Settlement, this Final Approval Order, and the Judgment entered in connection with the Settlement.

19. A Non-Appearance Case Review Re. Distribution Report is scheduled for June 30, 2026 in Department C-71 at the Hall of Justice Courthouse.

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1 20. A declaration from the Settlement Administrator regarding the disbursement of
2 Settlement funds shall be filed on or before noon on June 22, 2026.

3 **IT IS SO ORDERED.**

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5 Dated: _____, 2025

6 Honorable Gregory W. Pollack
7 Judge of the Superior Court
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