

9/23/2025 9:52:18 AM

Clerk of the Superior Court  
By T. Automation , Deputy Clerk

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*Attorneys for Plaintiff Ray Dyer*

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

RAY DYER, individually and on behalf of all  
others similarly situated and the State of  
California under the Private Attorneys General  
Act,

Plaintiffs,

vs.

KENNY BROTHERS, INC. and DOES 1  
through 50, inclusive,

Defendants.

Case No. 37-2023-00045013-CU-OE-CTL

*Hon. Gregory W. Pollack*  
*Dept. 71*

**CLASS ACTION**

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

Action Filed: October 16, 2023

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

3 1. On September 12, 2025, at 9:30 a.m. in this Department, the Court entered the Order  
4 and Judgment Granting Final Approval of Class Action Settlement and Attorneys' Fees and Costs and  
5 Entering Judgment attached hereto as Exhibit 1.

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

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

9 4. Notice of the Court's final ruling and entry of judgment is hereby provided.

10  
11 Respectfully submitted,

12  
13 Dated: September 23, 2025

***Ferraro Vega Employment Lawyers, Inc.***

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15 Nicholas J. Ferraro

16 Attorneys for Plaintiff Ray Dyer  
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# Exhibit 1

**FILED**  
Clerk of the Superior Court

SEP 12 2025

By: V. Contreras, Deputy

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

RAY DYER, individually and on behalf of  
all others similarly situated and the State of  
California under the Private Attorneys  
General Act,

Plaintiffs,

vs.

KENNY BROTHERS, INC. and DOES 1  
through 50, inclusive,

Defendants.

Case No. 37-2023-00045013-CU-OE-CTL

*Hon. Gregory W. Pollack*  
*Dept. 71*

**CLASS ACTION**

**[~~PROPOSED~~] ORDER GRANTING  
PLAINTIFF RAY DYER'S MOTION FOR  
FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT AND ATTORNEYS' FEES  
AND COSTS AND ENTERING JUDGMENT**

Motion for Final Approval/Attorneys' Fees:

Date: September 12, 2025

Time: 9:30 a.m.

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

Action Filed: October 16, 2023

**[~~PROPOSED~~] ORDER GRANTING PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT  
AND ATTORNEYS' FEES AND COSTS AND ENTERING JUDGMENT**

1 This matter came on for hearing on September 12, 2025 at 9:30 a.m. in Department 71 of the  
2 above-captioned Court, the Honorable Gregory W. Pollack presiding, on (1) Plaintiff's Motion for  
3 Final Approval of Class Action Settlement and (2) Plaintiff's Motion for Attorneys' Fees and Costs.

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

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

15 2. No class members submitted a written objection to the proposed Settlement as part of  
16 the notice process or stated an intention to appear at the Final Approval Hearing and there were no  
17 dissenting appearances from class members at the hearing. One class member requested exclusion  
18 from the Settlement: Aidan Manternach. This "opt out" is affirmatively excluded from the class  
19 settlement.

20 3. The Court finds and determines the notice procedure afforded an adequate protection to  
21 the class and provides the basis for the Court's informed decision regarding approval of the Settlement  
22 based on the response. The Court finds and determines the notice provided was the best notice  
23 practicable, satisfying the requirements of law and due process.

24 4. For purposes of approving this Settlement only, this Court finds and concludes: (a) the  
25 proposed class is ascertainable and so numerous that joinder of all members of the class is  
26 impracticable; (b) there are questions of law or fact common to the proposed class, and there is a well-  
27 defined community of interest among members of the class with respect to the subject matter of the  
28 claims; (c) the claims of the representative are typical of the claims of the class; (d) the class

1 representative has and will fairly and adequately protect the interests of the class; (e) a class action is  
2 superior to other available methods for an efficient adjudication of this controversy in the context of  
3 settlement; and (f) the law firm of Ferraro Vega Employment Lawyers, Inc. is qualified and adequate  
4 to serve as Class Counsel in this action.

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

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

18 7. The Court finds and determines the fees and expenses in administering the Settlement  
19 incurred by the Settlement Administrator of \$10,000.00 are fair and reasonable. The Court orders  
20 these administration costs be paid in accordance with the terms of the Settlement.

21 8. The Court finds and determines the Service Award of \$10,000.00 to Plaintiff Dyer as  
22 fair and reasonable. The Court orders the service awards be paid in accordance with the terms of the  
23 Settlement.

24 9. The Court finds and determines payment to the California Labor and Workforce  
25 Development Agency of \$30,000.00, as its 75% share of the civil penalties under the Private Attorneys  
26 General Act is fair, reasonable, and appropriate. The Court orders that amount be paid in accordance  
27 with the terms of the Settlement and approves the settlement of claims under the Private Attorneys  
28 General Act pursuant to Labor Code § 2699(s)(2).

1           10. Pursuant to the terms of the Settlement and the statutory provisions authorizing  
2 attorneys' fees under the California Labor Code and Code of Civil Procedure, as set forth in the Motion  
3 for Attorneys' Fees, the Court awards Class Counsel attorneys' fees of \$174,982.50 and litigation costs  
4 of \$20,564.94. Class Counsel has sufficiently explained the basis for the fee award based on a  
5 percentage of the fund. The Court finds such amounts to be fair and reasonable. The Court orders the  
6 Settlement Administrator to make these payments in accordance with the Settlement.

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

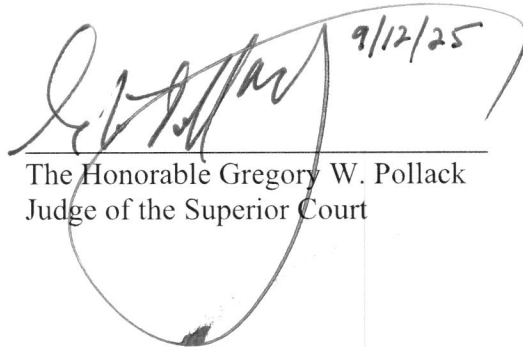
10           12. Nothing in this Order shall preclude any action to enforce the Parties' obligations under  
11 the Settlement or under this Order, including the requirement that Defendant make payments to Class  
12 Members in accordance with the Settlement.

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

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

17  
18 **IT IS SO ORDERED.**

19  
20 Date: \_\_\_\_\_

21   
22 The Honorable Gregory W. Pollack  
23 Judge of the Superior Court  
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## Exhibit 2

**SUPERIOR COURT OF CALIFORNIA**  
COUNTY OF SAN DIEGO  
CENTRAL COURTHOUSE

TENTATIVE RULINGS - September 11, 2025

HEARING DATE: 09/12/25      HEARING TIME: 9:30AM      DEPT.: C-71

JUDICIAL OFFICER: POLLACK, GREGORY W.

CASE NO.:37-2023-00045013-CU-OE-CTL

CASE TITLE: Dyer vs Kenny Brothers Inc [IMAGED]

CASE TYPE: (U)Other Employment

HEARING TYPE: Motion Hearing

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The Court rules on the motion for final approval of class action settlement and motion for attorneys' fees and costs as follows:

These unopposed motions are granted for the reasons stated below.

The terms of the settlement are as follows: Defendant Kenny Bros, Inc. (Defendant) will pay a gross settlement of \$525,000.00 to the class, which includes attorneys' fees and costs, settlement administration costs, a representative enhancement and PAGA payments to the LWDA and the class. (Dancy Dec, ¶13.) The estimated net settlement is \$269,452.56.

There have been no objections and 1 opt out. (Dancy Dec., ¶¶10, 12.)

*Legal Standard.* When faced with a motion for final approval of a class action settlement, a court's inquiry is whether the settlement is "fair, adequate and reasonable." (*Dunk v. Ford Motor Co.* (1996) 48 Cal.App.4<sup>th</sup> 1794, 1801 fn. 7 (hereafter *Dunk*).) California strongly favors settlements. (*Western Steamship Lines, Inc. v. San Pedro Peninsula Hosp.* (1994) 8 Cal.4<sup>th</sup> 100, 110.)

The presumption of fairness exists where, as here "(1) the settlement is reached through arm's length bargaining; (2) investigation and discovery are sufficient to allow counsel and the court to act intelligently; (3) counsel is experienced in similar litigation, and (4) the percentage of objectors is small. (*Dunk, supra*, 48 Cal.App.4<sup>th</sup> at p. 1802.)

The factors that courts routinely consider in reviewing a proposed settlement are: (1) the strength of the plaintiffs' case, (2) the risk, complexity, length, and expense of continued litigation, (3) the risk of maintaining class action status through trial, (4) the amount offered in settlement, (5) the stage of the proceedings and the amount of discovery already undertaken at the time of the settlement, (6) the experience and views of counsel, and (7) the reaction of the class members to the proposed settlement. (*7-Eleven Owners for Fair Franchising v. Southland Corp.* (2000) 85 Cal.App.4<sup>th</sup> 1135, 1166-1167.)

Here, Plaintiff Ray Dyer (Plaintiff) presented evidence establishing that the settlement is fair and adequate. (Ferraro Dec., ¶19.) The parties engaged in arm's length negotiations and investigation.

(Ferraro Preliminary Approval Dec., ¶¶5-12.) Finally, counsel for Plaintiff is experienced and skilled in class actions. (Ferraro Dec., ¶6.)

In addition, Defendant does not oppose the following proposed payments: (1) Class representative payment of \$10,000.00, (2) attorney fees and litigation costs of \$174,082.50 and \$20,564.94, respectively, (3) claims administration costs of \$10,000.00, and (4) LWDA penalties totaling \$40,000.00 (\$30,000.00 to LWDA, \$10,000.00 to Aggrieved Employees). (Dancy Dec., ¶13.)

**IT IS SO ORDERED.**